

**ECONOMIC EFFECTS OF
LAND REFORMS IN KERALA**

A THESIS PRESENTED

BY

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This is to certify that Mr. K.C.S. Narayanan
has worked under my supervision. His work is
original and worth submitting for the award of
the degree of Doctor of Philosophy in Economics.



(Mohammad Shabbir Khan)
SUPERVISOR

P R E F A C E

"The tenure system is like an iceberg, the majority of the people deriving support from land are under water - without security of work, without ownership. And to carry this analogy still further; now there is a melting of the ice above the water, in the changing of the tenure system and the caste hierarchy, the condition of the iceberg is unstable." (A.C. Mayer)

Perhaps the most characteristic fact of our times is that economic development has become the goal and ambition of people. The needs which this desire creates are immense; they are of course urgent everywhere and they cannot be postponed. Consequently there was a frantic search for formulae of rapid economic development. It was claimed that agrarian reform is the indispensable condition for the development of productive forces and the industrialisation of a State. The question of land ownership immediately affects the lives and fortunes of more than half of the population of the Kerala State. It is when the cultivator of the soil is its virtual owner, and all the products of his labour as well as the increased value he can confer upon the land are his own, that the maximum of the human food is produced by it, the maximum of human enjoyment is derived from its cultivation, while the cultivator is, as a rule, healthy, moral and contented. So long as land ownership is grossly unequal and the vast majority of the cultivators are terribly exploited there

is no possibility of development. Hence it is claimed that land reforms would tend to accelerate production leading to saving and capital formation which will pave the way for industrialisation and consequently economic development. The Planning Commission and the Congress Party had given consideration to this matter and made certain recommendations regarding the land reforms.

It was an observed fact that the landlords had made little contribution to the development of the land in the past; they did not consider it necessary as they could obtain considerable income by letting the land to tenants on extortionate rents. Whatever investments were made went to the acquisition of land and not towards providing facilities for increased production or improvement of the condition of the cultivators.

Among the most important factors which affect rural living standards is the agrarian structure. This term is here used to mean the institutional frame-work of agricultural production. It includes land tenure, the distribution of ownership of farm property between large estates and peasant farms or among peasant farms of various sizes, land tenancy, the system under which land is operated and its products divided between operator and owner, the organisation of credit, production and marketing, the mechanism by which agriculture is financed, the burdens imposed on population by government in the form of taxation and the services supplied by government to rural population such as technical advice and educational facilities, health services, water supply and

communication.¹

A key element in the land reform policy is the provision of wider opportunities for ownership of land. Measures taken include redistribution of large estates, assistance to tenants or labourers to acquire holdings, and settlement schemes to establish new farming units on reclaimed or developed lands. The types of measures taken by the individual governments and their scope vary according to the political climate and prevailing economic conditions in the respective countries or states. In addition it is generally recognised that any such measures should be supplemented by other appropriate economic and social policies in order to achieve a better utilisation of agricultural resources and improvement in the living conditions of the rural population.²

There are three essential principles that underlie a just and equitable land system. First, the farmers must be able to own land or to use the land he tills under fair conditions and terms of tenure.. Secondly, the farmer must have access to credit on reasonable terms, to enable him to farm efficiently whether as owner or as tenant. And finally, he must have access to knowledge and techniques that will make his efforts productive and profitable to him and society. It is also essential to realise that agriculture

1. Land Reforms. Defects in Agrarian Structure As Obstacles to Economic Development, U.N., New York, 1951, pp.4-5.

2. Progress in Land Reforms, U.N., New York, 1956, p.13.

should not be static but should be constantly developing. This is indeed vital if the farmer is to continue to supply the needs of the growing population and the increasingly complex demand for agricultural produce. What may have been bearable, or even reasonably satisfactory to a community of subsistence farmers working with hand implements may become intolerable, or at least highly unsatisfactory, if the farmer turns to commercial production.

The economic life of the village community depended largely on land, the latter being the primary source of wealth; and the full utilisation of this agent of production depended partly on the sense of security which the sense of ownership would give.

The total well-being of the rural people is dependant upon an early and just solution of these land tenure problems. The political instability of the State is related to economic inequalities and consequent injustice.

An increase in the total agricultural output is essential for it is the base on which industrial production and exports have to be built up and the means by which cost of essentials like food, clothing can be kept within bounds. It has to be sought mainly by substantially stepping up around productivity in agriculture.

Kerala is pre-eminently an agricultural State. The population has grown to such dimensions and continues to grow so rapidly that extensive cultivation cannot adequately increase. In many places the law of diminishing returns has begun to assert itself

which discourages capital investment. But tilling operations are pursued in the time-honoured fashion. Intensive cultivation was only a captivating idea, at least nothing more than an occasional experiment. Plantation crops like Rubber, Tea and Cardamom are well looked after by the owners who are ordinarily able to command the requisite capital and labour. But the small land holder and the average tenant were hardly able to pull on well on account of limitations of land and capital. A large population of the latter class merely eke out a hand to mouth existence.

Planned economic development as in the rest of the country was initiated in the State during the early years of the last decade. The First Plan of the State covered only the Travancore-Cochin region since Malabar was merged to form Kerala only at the end of the First Plan. The outlay for the First Plan was Rs.30.03 crores. On a per capita basis the Public Sector outlay during the First Plan came to Rs.32.2 only (all-India Rs.55). During the Second Plan, the re-organised State was allotted about Rs.97 crores if Central investment in the State also be included. On per capita basis, again, public sector outlay in Kerala was considerably behind the all-India figure (Kerala Rs.64 per head; all-India Rs.118).³ During the Third Plan period the State was allotted a sum of Rs.180 crores. But this too

3. Techno-Economic Survey of Kerala, December 1962,
National Council of Applied Economic Research, p.17.

was much less compared to the share of the other states during the same period.

The greatest obstacle that was in existence in the way of our productive efficiency and better economic development was the feudalistic land system. Hence, the first question that should be tackled was that of absentee landlordism. As far back as 1889 Dr. Voelcker, Consulting Chemist of the Royal Asiatic Society pointed out that defective land system was one of the causes of low productivity in India. According to Dr. Carve, next to pestilence and famine, the worst thing that can happen to a rural community is absentee landlordism. He goes on to say that there is nothing more contributory to the depletion of fertility of the soil, agricultural inefficiency and alround misery. This is because the class of landlords and rent receivers have become an incubus on the working of the agricultural population which finds no justification in the performance of any material service, so far as agricultural improvements are concerned, and fails to provide any effective means for the development of the resources of the land.

Kerala is a very small state. Unfortunately its land tenure problems are more than proportionate to its size. In this thesis we discuss one of the most important economic policy issues undertaken in the State. It gives a diagnosis of the maladies accompanied by an assessment of the achievement under the prevailing land reform measures. It examines among other things the system of tenures in Kerala before the introduction of the land reforms,

efforts at land reforms in Kerala, salient features of land reforms as embodied in the land reform legislations of Kerala, tenancy reforms and their effects, regulation of rent and security of tenure, ceilings on agricultural holdings, extent of implementation of land reforms and finally the effects of land reforms on agricultural production, investment and improvements as a result of land reforms.

Although so much has been written on the land question, we are not aware of any single work which discuss^{es} the economic effects of land reforms in Kerala. It is hoped that this work will fill up this gap in a small way. It is further hoped that this will be a useful basis to the administrators and would-be legislators for future reforms and thus will help them to undertake more radical reforms and implement them for the benefit of the vast majority of the rural population.

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CHAPTER - I.

TENURE SYSTEMS OF KERALA

Although essentially a part of India, Kerala is somewhat unique in its geographical features, its system of tenure, its social and economic institutions, even in its mode of life. According to Dr. P. J. Thomas, "the narrow strip of country between Gokarnam and Cape Comorin presents nearly all the characteristics of a separate economic system."¹

Because of its peculiar historic^{-al} development and the interaction of local customs and traditions the land tenure system in Kerala has been an extremely complex one, with important political, social and psychological as well as economic aspects. Many of the difficulties had their roots in the traditional institutions of Kerala and had been further aggravated by the political, social and economic dislocation and breakdowns of the past centuries. Its immunity from foreign conquest until the latter part of the eighteenth century, in fact, had enabled it to maintain the essentials of land holding substantially unimpaired. Baden Powell observed that, "the district of Malabar² will always have singular

1. Dr. P. J. Thomas, "Kerala in Early Days". An article in "Kerala Studies", edited by P. K. Narayana Pillai, Trivandrum, 1955, p.28.

2. Malabar was a part of Madras up to 1956. After the reorganisation of States, Malabar became a part of Kerala.

attraction for the student of Indian land-tenures; it presents an unique history of land holding customs, the result of a colonization by separate tribes, each with its own rival interests, and the absence at first, of a central government. The peculiarities of development which afterwards followed, are to be traced, partly to the physical features of the country, but chiefly the characteristics of the tribes, and the peculiar circumstances of their government. It further presents to us a curious modern process of landlord development in which local and historical conditions of no doubt had their part,"³ Major Walker wrote that, "the first thing that strikes an early observer is the extent to which private right of property is recognized in Malabar."⁴ The observations of these eminent authorities equally applies to other parts of Kerala.

The traditional origin of ownership in land was entangled in myths and mysteries. The Brahmanic histories make out that the land all belonged originally to the Brahmins. They maintain that Kerala was miraculously reclaimed from the sea by Parasurama, one of the incarnations of Vishnu, and gifted to the Brahmins. This theory was accepted by the Madras High Court and had been recognized by the courts of Travancore in the decisions taken in the case of Varkey v. Govindan Kartha and Krishnan v. Sankaran. But since we are not concerned with the evolution of tenure systems in Kerala we need not go

3. Baden Powell: Land Systems in British India, Clarendon Press, Oxford, 1892; Vol.III, pp.151-152.

4. Fifth Report referring to Malabar. Quoted in Travancore State Manual.

into these controversies. Our study of history is limited in this work in the sense that it is used here only to further our understanding of the current scene, and no claim is made that the history considered relevant for this purpose is in any way comprehensive and inclusive. The state of Kerala was carved out of three political units each of which had separate identity in the British period, namely, the Travancore State, the Cochin State, and the Malabar District which formed part of British India.

There existed a variety of land tenure arrangements in Kerala. By land tenure we mean all those arrangements by which farmers or others hold or control land and which condition its use and occupancy. Even though it is difficult to rank tenure classes according to degree of rights which are held we generally recognize that the owner-operator without debt has the most freedom of action with respect to the use of his inputs. At the bottom are found the hired farm labourers and sharecroppers. Between these two extremes we find share tenants, mortgaged owners, part owners and numerous combination of these groupings. These arrangements, in one way or the other, influenced the efficiency of agricultural operations. They also affected the degree of certainty in the farm operation. In this chapter we will examine the most common tenure systems that existed in Kerala just before the introduction of land reform measures.

The use of technical terms cannot easily be avoided in the discussions connected with Kerala tenures, as their ultimate foundations are set on legal conceptions and form the very spirit of the jural

relationship between landlord and tenant.

The tenures⁵ that were recognized in the Final Report of the Travancore Revenue Settlement are given in the following table.⁶

Item	Area in thousand acres			As percentage of the total cultivated area
	garden	wet	total	
Pandaravaka	1181.4	378.2	1459.6	75.13
Sircar Devaswom vaka	64.5	44.9	109.4	5.64
Sree Pandaravaka	10.4	5.6	16.0	0.82
Sree Padom vaka	0.6	0.5	1.1	0.06
Kandukrishni vaka	1.6	14.2	15.8	0.81
Ooramma Devaswom vaka	44.1	29.1	73.2	3.77
Brahmaswom vaka	93.5	63.4	156.9	8.10
Madampimar vaka	11.8	8.7	20.5	1.03
Karamozhivu	57.9	32.3	90.2	4.64
	1365.8	576.9	1942.7	100.00

Here we propose to discuss these tenures in a little detail.

The Pandaravaka lands are also known as Sircar lands. This tenure represents lands in respect of which the Sircar is in the position of the landlord. Whatever proprietary rights vest in the ryots are derived directly from the Sircar. In Travancore nearly three-

5. Under this comes only cultivated land.

6. Padmanabha Aiyar, Final Report of the Revenue Settlement in Travancore, 1941, Appendix A.H. Statement number 11.

fourths of the cultivated area fall under this head while in Cochin this constitute roughly one half of the cultivated area. Under the head of Pandaravaka, there existed numerous varieties of tenures, based on the varying nature of the transactions between the Sircar and the ryots. As a matter of fact, these Sircar tenures with very few exceptions (Service Inams and Viruthis) have full proprietary rights which are heritable and transferable and are perfectly secure against government interference, while the tax fixed continues to be regularly paid.⁷

The Sircar tenures, though recognized under various names can be subdivided into Pandaravaka pattom,⁸ Otti,⁹ Inam,¹⁰ Viruthy¹¹ and special tenures.

Pandaravaka pattom, Pandaravaka Otti (Otti) and Kudijermon constitute 81.14 per cent, 8.84 per cent and 1.56 per cent respectively. Only Pandaravaka pattom lands were assessed at the full rate while the other tenures were treated as privilege tenures and charged only partial assessments.

Sircar devaswom vaka lands originally formed the Jenmon or private property of the Hindu temples prior to their absorption by the

7. T.K. Velu Pillai, Travancore Land Revenue Manual, Vol.III, p.14.

8. This tenure was in the nature of a lease, without any proprietary rights or transferable rights of occupancy in the holder.

9. It was in the nature of a mortgage. The consideration for the mortgage was either a real or constructive loan.

10. Land granted free of revenue to persons holding particular offices or performing services.

11. This is analogous to service inam but is treated (Contd...

State from time of Colonel Munro.¹²

There were also, to a limited extent, other tenures like those created by the Jemmies. But after the Sircar took over the Devaswoms, these Devaswom lands were brought at par with Pandaravaka lands. The transactions involved in Sircar Devaswom tenures are thus analogous to those of Sircar lands and the same principles and method of settlement have been applied to both class of lands alike.¹³

Sree Pandaravaka lands are the Jemnom properties of Sree Padmanabha temple, the revenue demand for these lands was not included in the State revenue but was kept separately and managed by the temple authorities.

Sree Padom vaka lands form the private property of the Rani¹⁴ and consisted of lands situated outside the Sree Padom vaka free hold villages (Edavaka) in the Chirayinkil taluk.¹⁵ These lands were found in parts of Thovala, Kalkulam, Vilavancode, Neyyattinkara, Trivandrum,

as a distinct tenure. These are service grants to which are attached certain obligations in the shape of personal labour and supply of provisions. (See Travancore Land Revenue Manual, Vol.III, p.11)

12. Colonel Munro, as the Resident-cum-Diwan ordered the annexure of land properties belonging to about 179 temples to the State. See E. Krishna Menon, Compiled, The Cochin Devaswom Manual, (Ernakulam, 1938, Introduction para 3.)

13. Travancore Land Revenue Manual, op.cit., Vol.III, p.14.

14. The Matrilineal system of inheritance was practiced.

15. Travancore Land Revenue Manual, op.cit., Vol.III, p.15.

Nedunangad and Chirayinkil taluks.

Kandukrishivaka lands formed the home-farm or private property of the sovereign, and the tenant had no right of property in them. They had been settled on the same principles as other lands and were allowed to be enjoyed on the existing terms subject only to the patten or assessment which in case of wet lands was payable in paddy. The Kandukrishi lands were found in parts of Ambalapuzha and the Kanjirapally taluks.

Ooramma Devaswomvaka which constituted 3.77 per cent of the cultivated land in Travancore were the lands owned by private Hindu temples. Brahmaswomvaka lands were the jennam properties of the Brahmin Jennies, and Madampimarvaka were the lands of the non-Brahmin superior caste Jennies mainly of the Nairs and Kahatriya castes that constituted 8.10 per cent and 1.03 per cent of the cultivated land in Travancore respectively. The Ooramma Devaswomvaka, Brahmaswomvaka and Madampimarvaka lands constitute summarily the Jennam lands in Travancore.

Under Karamozhivu are included all lands other than Jennam, which are tax-free. These have the features of Inams and semi-Inams, granted by the State for various purposes. These comprises the free hold villages or Edavakas¹⁶ and detached lands within the limit of Sircar villages belonging to individuals and institutions which are

16. Settlement Proclamation, vide para 5.

held tax-free. The latter, though settled under section 25 of Settlement Proclamation, are essentially different from special tenures also dealt with under that section.¹⁷

In Cochin the tenures system are broadly classified, for settlement purposes, under Pandaravaka and Puravaka tenures. The former is synonymous with the Pandaravaka or Sircar land of Travancore and the latter with the Jenmom lands¹⁸ of Malabar. The Pandaravaka lands which covered 42¹⁹ per cent of the assigned lands were subdivided into Pandaravaka Verumpattom²⁰ accounting 36 per cent and Pandaravaka Kanam²¹ accounting 6 per cent. The Puravaka lands accounted for the rest of the assigned area which constituted 58 per cent. In Cochin the assessment was made very similar to that of Malabar with certain differences on the allocation of shares due to the different parties.

So far as the Malabar portion of the State was concerned, the

17. Ibid., vide para 43.

18. See Malabar tenures which is explained in subsequent pages.

19. Before 1812 only one-third of the cultivated land was with the State. This increase in State owned area was brought about by the confiscation of the properties belonging to nearly 179 temples. Some temples had vast land holdings. To cite an example, the Thiruvilwamala Devaswom owned 3,500 acres of land of which 2,000 acres were under irrigation. (Report of the Agrarian Problems Enquiry Committee, Ernakulam, 1949, p.193.)

20. Favourable tenures of Government sort lands having the characteristics of Kanam. (See Kanam).

21. Ibid.

whole of the land, both cultivated and uncultivated, was private property and held by Jemom right, which conveyed full absolute property in the soil.²² Here we find the land occupied by a set of men who have enjoyed a landlord's rent that they have pledged it for larger sums, which they borrowed on the security of the land, and that it has been taken as good security, so that at this day, a very large sum is due to cultivators to whom land is mortgaged. . . . There is no proof that any land tax existed in Malabar before Hyder's invasion.²³

It is necessary to discuss the Jemom tenure in a little detail to appreciate the subsequent developments in the tenurial history of formerly Malabar portion of Kerala.

22. Dr. Buchanan, a most careful enquirer, wrote in 1860: "The Namboodiries pretend to have been possessed of all the landed property of Malayala ever since its creation; and in fact it is well-known that before the conquest by Hyder, they were the actual lords of the whole soil, except some small parts appropriated to the support of religious ceremonies, and called Devasthanam, and other portions called cherical, which were appropriated for supporting the families of the Rajas. All the remainder forming by far the greater part was the Jemom or the property of the Namboodiri Brahmins; and this right was, and by then is, still conserved as unalienable; nor will they allow that any other person can with propriety be called a Jemomcar or property of land. . ." (Buchanan's Journey through Mysore, Malabar and Canara, Vol.II, p.360)

23. William Thakeray's Report to the Board of Revenue dated 4th August 1807.

Jenmon lands are precisely what are in Europe called allodial properties as contradistinguished from feudal. The Madras Revenue Register states that the Jenmies of Malayalam country is an absolute free-holder and possesses entire immunity from all action on account of his land.

The essential difference between a Roman dominus and a Malayalee Jenmi was unfortunately not perceived or not understood at the commencement of the British administration.²⁴ The Jenmi has, by the action of the civil courts, been virtually converted into a dominus, and the result on the workers and the cultivators has been and is very deplorable.²⁵

24. Eminent authorities like Logan and Baden-Powell were of opinion that the British Civil servants completely misunderstood the customary land relations in vogue for centuries. They tried to introduce British ideas and concepts of land rights into the region, and started interpreting and enforcing those alien ideas through their Judicial machinery. The Jenmi was considered as the possessor of Roman Dominium and all other groups connected with land and agriculture were pushed down to the position of tenants. The Kanamdars were considered as mere mortgagees, and Kuzhikanamdars and Verumpattomdars as tenants-at-will all of whom could be evicted at the will and pleasure of the Jenmi. (cf. W. Logan, Malabar District Manual; and Baden-Powell, Land System of British India.) Mr. Strange, the special Commissioner, came to the conclusion that great injustice was done to the cultivators of Malabar in the new set-up, especially because the law as enforced by the Courts did not, in most cases take into account the ancient usage and practices. Strange's Report to T. Pycroft, the then Judicial Secretary to Madras Government on 25th September 1852. Correspondence regarding the relation of landlord and tenants in Malabar, 1852-56, p.11.

25. W. Logan, Malabar District Manual, Vol.I

Major Walker observed that, "It is probable that the possession of Jemom land was originally inalienable and confined to one or two castes. At present, however, any person possessed of money may become a purchaser of Jemom.

An important point that is to be remembered is that the Jenmi does not derive his title to the land from the Sircar. He is, so far as his Jemom land were concerned, a little territorial sovereign in a limited sense. He was landlord of his Jemom domain exactly in the sense in which the Sircar is landlord of the land it grants to planters and indeed to all ryots in general.

The Jemom tenure was characterised by the following features. First, its normal condition was absolute freedom from taxation. But this condition ceased the moment the land passed into the hands of others than Devaswoms or Brahmin Jemmies for a monetary consideration, provided that the mere letting out of the land to a tenant did not vitiate the tenure.

Secondly, on such alienation taking place the land became liable to light tax to government and the light assessment continued for ever a burden on the estate, even though the Kanam is redeemed.

Finally, if the Kanamdar died hireless or if the Kanamdar abandoned the land as unfit for cultivation the Sircar took it and granted it again to anybody who asked for it on full assessment. In such cases the Jenmi was entitled only to the residue rent (Michavaram) payable to him by the deceased or the abandoned.

As the time passed, because of the development of social rigidities, the Namboodiri Jemmis found it difficult to attend and manage their lands. Consequently they adopted various means of obtaining an income from the Sudras, to whom they granted a temporary right of occupancy. Again at a later period the inflow of machine-made goods dealt a heavy blow to the traditional means of livelihood of the village Artisans, especially those engaged in handicrafts and rural industries, who for want of better alternative turned to agriculture for earning their living. This coupled with the population growth wrought with it a number of subsidiary tenures like Kanam, Kuzhikanam, Kuzhikanapattom, Pattom, Panayam, Karanna and crop-sharing or Pankuvaram tenures. It is proposed to explain these subsidiary tenures at some length.

Kanam was a tenure partaking the nature of both a mortgage²⁶ and a lease; the tenant used to pay a lump sum (Kanam) to the Jemmi, and annual rent was fixed according to the capacity of the land, and from it the tenant was entitled to deduct an interest due to him on the amount of the Kanam, the net balance payable to the Jemmi annually was called the purappad. The Kanamdar was entitled to twelve years enjoyment, unless another term was definitely fixed, and on its

26. It was Mr. Warden who interpreted Kanam as a mortgage. He did it without taking into consideration the existing practices and customs and hence is faulty. See, Warden, Report on the Land Tenures in Malabar, sent to the President and Members of the Board of Revenue, Fort St. George, 1855.

expiry to the value of improvement effected by him if the tenancy was not renewed. If at the expiry of the twelve years the parties desired renewal the tenant was to pay renewal fee which was fixed by the Jenmi. The Kanamdar²⁷ was at liberty²⁸ to transfer his interest during his tenancy, or to sub-mortgage it. Denial of the Jenmi's ^{right and} wilful waste by the Kanamdar entitled the Jenmi to compensation before the expiry of the usual tenures.

The Kerala Land Reforms Act 1963 defined Kanam as 'the transfer for consideration, in money or in kind or in both by a landlord of an interest in specific immovable property to another person for the latter's enjoyment, whether described in the documents evidencing the transaction as Kanam or Kanapattom, the incidence of which transfer include (a) a right in the transferee to hold the said property liable for the consideration paid by him or due to him; (b) the liability of the transferor to pay to the transferee interest on such consideration unless otherwise agreed to by the parties; and (c) payment of Michavaram or customary dues or renewal on the expiry of any specified period, and in areas in the State other than Malabar, includes such transfer of interest in specific immovable property which is described in the documents evidencing the transaction as Otti,

27. The person who hold the Kanam tenure.

28. Sometimes there was an additional advance to be taken on Jemom right already pledged, it was called 'Malkanam'. The British Court defined this tenure (Malkanam) as a higher mortgage which the landlord could freely enter into with a third party who would be prepared to pay a further sum of money on the land held by Kanam tenant. In this case the Kanamdar's right was limited.

Karipanyam, Panayam, Nerpanayam or by any other name and which has the incidents specified in sub-clause (a) and (b) above and also the following incidents renewal on the expiry of any specified period, and payment of customary dues, provided that Kanapatton or any other demise governed by the Travancore Jermi and Kudlayan Act of 1071 or the Kanam Tenancy Act, 1955 shall not be deemed to be Kanam.²⁹

Kanam-Kuzhikanam, Kuzhikanapatton (Kulikanapatton) were various types of leases of waste lands for improvements and if not specified, the leases were of twelve years. In the case of Kulikanapatton, rent was paid to the landlord, and in Kanam-Kuzhikanam the landlord was entitled to receive some monetary consideration. In all these cases the tenant was liable to eviction if the landlord was not satisfied with the improvements. Another tenure called Kuttikanam was considered as a mortgage of forest by which the mortgagees had to pay the landlord a fee on each stump or tree.

Kuzhikanam meant and included a transfer by landlord to another person of garden lands or of other lands or of both, with the fruit bearing trees thereon, but should not include a usufructory mortgage as defined in the Transfer of Property Act, 1882.³⁰

Patton were of different kinds. The main sub-divisions of Patton were Kuthakapatton, Verumpatton and Customary Verumpatton.

29. Kerala Land Reforms Act, 1963, Chapter 1, Section 22.

30. Ibid., Section 28.

Kuthakapattom which included lease of Porampoke lands on fixed ground rent for putting up shops in bazaars and markets, lease of trees standing on Porampoke lands and lease of land or trees or both included under Thanathuchita were of two kinds namely for a definite period, without limit of time. Kuthakapattom without limit of time related to lease of trees of Porampoke lands which were given out under the rule dated 27th Karkadakam 1074 and leases of shop-sites in bazaars and markets.⁵¹

Verumpattom, whether called Venpattom or Thrikuttu as in the Palghat district was a lease or sub-lease, the rent was often the net produce after deducting the bare cost of the seed and cultivation. The tenancy continued in force for years and the tenants were entitled to compensation for proper improvement effected with the express or implied consent of the Jenmi.

Customary Verumpattom meant land held under Verumpattom by a leasee or sub-leasee who before the commencement of the Malabar Tenancy (Amendment) Act, 1951, was entitled, by the custom of the locality in which the land was situated to possession of the said land for a definite period of years, and for whose continuance thereon after the termination of that period, for a further period, a renewal fee had to be paid to landlord as an incident of the tenure.⁵²

51. T. K. Velu Pillai, Travancore Land Revenue Manual, Vol.III, p.14.

52. Sridhara Menon, Kerala District Gazetteer - 'Kozhikode', Government of Kerala, 1962, p.28.

Panayam was a mortgage and varied from "Todupanayam" (simple pledge without possession) to Jenmom-panayam leading to "Jenmom Attiper" by which the proprietary right was sold outright. The terms of this mortgage might be similar to those of Kanam there were no implied covenants for twelve years enjoyment or for compensation for improvement.

Karanna tenure related to Jenmom lands. Karanna indicated permanency. Generally a Karanna tenant was in the position of a permanent mortgagee holding the land in lieu of certain services to be rendered to the Jenmi. Irakaranna and Ponitakaranna were two other varieties of Karanna. The former was a perpetual lease subject to the payment of Michavaram and the latter was a complete sale.³³

Crop-sharing and Pankuvaram tenancies were characterized by insecurity and high rent. The tenants were tenants-at-will and were subject to eviction without notice.

The tenancies in Malabar had been subjected to acute controversies and elaborate examination. In 1880, Mr. Logan, the then Collector of Malabar, was appointed Special Commissioner to enquire into the agrarian discontent in many parts of Malabar. In his Report Mr. Logan stated that prior to British rule no private property in the European sense existed in Malabar, that Jenmom did not impart absolute propriety in the soil, and that the Jenmi, Kanamdar and Verumpattomdar were in fact co-partners each entitled to one-third share of

33. V. R. Pillai, "Land Reforms in Travancore-Cochin", Indian Journal of Agricultural Economics, Vol. XII, pp.143-154.

the net produce. He contended that the Early English Court had misinterpreted the position and had endowed the Jenmi with powers like a landlord of the European type. Mr. Logan's report was circulated to a number of officials and was then referred to a special Committee headed by Mr. Strange.

Logan's report was also presented to the High Court. Sir Charles Turner, the then Chief Justice, criticised Mr. Logan's views in very strong terms. First he denied the charge that the Courts had upset the customary relationship of Jenmi and Kudiyan (tenant). He also questioned Mr. Logan's theories relating to the ownership of the soil. He claimed that the Jemmies right in the soil was as complete as it was ever enjoyed by a free-holder in England and this for some years settled the controversy. But in 1940 the matter was again brought by the Malabar Tenancy Committee. They stated that it has not been possible for the Committee to come to any unanimous opinion regarding the origin of "Jenmom" and "Kanam". The majority held the view that there was no evidence to show that the Jenmi or the landlord was the absolute owner of the soil and the Kanam holder a mere tenant-at will. As the Kanam holder was the occupier he might have been the original owner. In tracing the history they suggested that the Kanamdar must have acknowledged allegiance for his own safety to some Raja, local Chief or Devasthanam (God) or Namboodiri Brahmin and that the Jenmom right might have originated in that way and might have meant only a sort of overlordship and not absolute right to the soil. The fact that all the lands in Malabar originally belonged in Jenmom to

the Rajas, Devasthanams; and Namboodiris adds strength to this conclusion. They could not have actually occupied and cultivated such large blocks of land, and therefore original occupation could have been the basis of Jemom. It might be possible that these opinions expressed by the 1940 Committee might have been coloured by the political views of its members, as the Committee was overwhelmingly "Tenancy" in character.

These doubts regarding the status of Jemom and the Kanam tenant originated, says Madhava Rao³⁴ (the then Diwan of Travancore) with persons who came from the east coast, and held high offices here, and who wrongly applied their notion of east coast to those of the west coast.

In addition to this a Namboodiri Brahmin held the office of a Judge in the highest court for a long time. The other Judges were mainly east coast men. The Namboodiri Judge was himself a Jemmi and had strong sympathies with the Jemmi class. His views, therefore, concurred with those of the east coast Judges, and the opinion thus formed against the tenants became very powerful.

The tenant had strong reasons in his favour, but he had no advocate to get forth his side with any effect while the Jemmi had for his counsel all the high officers of the State with him. This resulted in the insecurity of the Kanam tenants. The statement of tenure systems in Kerala will not be completed unless some reference

34. Letter of Madhava Rao, quoted in "Travancore Land Revenue Manual."

is made to certain terms like Punam or Kumari Cultivation³⁵, Kole cultivation³⁶, Palliyal land³⁷, Kaipadu system of cultivation³⁸, Kai Viduka Otti³⁹, Ottikumpurem, Nirmuthal and the Edavaga tenure and the tenure systems of south Canara.

Edavagais were the name given to the free-hold estates owned by the former chieftains of Travancore, namely, Poonjar, Vanjipurha, Edeppally. Another Edavaga, namely, Sree Padom Edavaga, constituted the private dominion of the Attingal Rani.

A similar tenure system, though different in name, existed in south Canara. Here the land holder was called the Wargadar. He might cultivate the land himself or give it on lease to tenants. The tenancy might be for a year and in that case it was called Vayudageni lease or imperpetuity in which case it was called Mulgeni lease. In all cases, the rights between the landlord and the tenant were governed

35. Fugitive or intermitant cultivation of paddy on dry lands in Malabar.

36. Cultivation of land in the bed of any Kayal, or lake or any water-logged land in areas adjoining or lying within the vicinity of any Kayal, lake or river, by raising bunds on one or more sides and draining the water away by mechanical or other means.

37. Land which is used ordinarily for raising seedlings of paddy and enclosed land so used and none as Pallimanayal, Mayal, Potta, Njal, Enjalpadi or Banabetter.

38. The system of cultivation under which paddy is cultivated on saline land by raising small bunds of earth and planting seedlings thereon.

39. Kai Viduka Otti, Ottikumpurem, Nirmuthal were species of mortgages in which the Jenmies surrender all rights relating to nothing but the mere name.

by the instrument creating the lease. ⁷ In the absence of special provision in the document the principles embodied in the Transfer of Property Act apply. Chalgenidars⁴⁰ and Vayudagenidars⁴¹ had no substantial right in the land which could be mortgaged or alienated in any manner. The Mulgenidars right was ordinarily heritable and had a market value in the same way as the occupancy right of ryots having Kudivaram rights in other districts but there might be cases restraining alienation or imposing conditions involving forfeiture. The Mulawargadar held land subject only to payment of assessment to government and had also a claim over adjacent waste land or Kumaki. The Mulgenidars like the Kanamdars were permanent tenants subject to the same practices except in some cases the lease would become invalid in cases of arrears of payment of rents. The Chalgeni, i.e., the tenant-at-will under the Mulawargadar directly or under the Mulgeni was without any saleable interest in land. In practice the Chalgenies were not evicted usually, unless they were heavily in arrears of rents and were continued on land even for generations undisturbed. They could claim compensation for any improvement made and, conversely one interesting point was that in south Canara the forms of rents were fixed ~~rent~~ in cash or in grain, and as a rule sharing system is uncommon.

Lastly we come to the tenures relating uncultivated lands. These tenures might be classified under four heads namely Tharaisu

40. The person holding Chalgeni lease.

41. The person holding Vayudageni lease.

lands, Thanathu or Thanthuchitta lands, Reserved Forests and Reserved and unreserved lands.

Tharieu lands were waste lands at the disposal of the government and were available for registry while Thanathu or Thanathuchitta lands were surveyed and assessed lands occupied by Palaces and temples and government institutions.

Reserved forest and Reserved lands need hardly any explanation except to indicate that Reserved lands included Purampoke lands which were used, acquired or reserved for communal use of the villagers.

CHAPTER - II

EARLY EFFORTS AT LAND REFORMS IN KERALA WITH CERTAIN IMPORTANT FEATURES

A satisfactory system of tenure is the essential basis of an efficient agricultural industry. But the tenure system of Kerala was oppressive and regressive. This was partly due to the faulty definitions¹ of the local tenures by the British and partly due to the development of absenteeism² in land holding. The British by faulty definitions, reduced the superior tenures like Kanam and of the cognate tenures almost to the level of actual mortgages and Varumpattom to mere year to year tenancy.³ Consequently the system began to show the implications of tyranny, by a hierarchy of authority, freezing the individuals into a caste system which he had been unable to challenge. Subsequently we see that the producers of the most basic and essential commodities and utilities needed by society at all times and in all ages for its very existence, and all other basic production and happiness, have had to be content with the lowest standard of living and the poorest social amenities in this age

1. See footnote to page 10.

2. Due to combination of ~~the~~ political, social and economic factors connected with land, ownership was increasingly looked upon as economically profitable undertaking and business people invested in land with little personal feeling or interest either on the tenants or on the land.

3. See footnote to page 10, starting from Mr. Strange.

of inventions, machines, atomic energies and nuclear researches.

During the past few hundred years the people of the world have been emancipating themselves from the feudal heritage (vestiges of feudalism) of a society organised on the basis of status - and status rooted in land.

The development in the other parts of the world opened the eyes of the people of Kerala. Now they began to question the status quo. Again the enlightened rulers of the State began to hold the view that the State must assure to the individual a portion of the benefits accruing from a thriving husbandry and also satisfy the basic needs of the weaker elements of the population. It was further realised that it was on the contentment of the agricultural classes, who form the great bulk of the population, that the security of the government mainly depended. It was on their prosperity that the prosperity of the State depended. Consequently, and with a desire to encourage the investment of money in land, to foster the accumulation of capital and of resources which would help the people in years of difficulties, drought and distress, land reform measures were introduced in Kerala in the first time in 1829.⁴

4. In Travancore a Royal Edict was fast directing that in all suits of this nature (for eviction) decided, filed or which may hereafter be referred, the Courts maintain the established usages in the country, namely; that the tenant should pay the Jenmi his usual ordinary and extraordinary dues, and that the Jenmi receive the same and let the tenant remain in possession and enjoyment of the property. (The Royal Edict of 1829, quoted in the Travancore Jenmi-Kudiyam Committee Report of 1916, Trivandrum, p.1.)

In discussing the early efforts at land reforms in Kerala for simplicity, we propose to divide the State into three well distinguished parts, namely, Travancore, Cochin and Malabar.

In Travancore 75.13 per cent of the cultivated land was held by the Sircar. Even then there was some lacunae which had to be filled up mainly in regard to the ownership rights of Pattom cultivators of Sircar land and the unregulated powers enjoyed by the Jenmies over their tenants. In order to mitigate the evils present in the system of land ownership in the State and to improve the tillers' welfare, the Maharaja of Travancore issued a proclamation as early as 1829 which declared that by establishing usage in the country the Kanamdar was entitled to remain in possession of the land as long as he paid the rent and other customary dues to the Jenmi. The order also directed that the tenant should pay the Jenmi his usual, ordinary and extra-ordinary dues and that the Jenmi should receive the same and let the tenant remain in possession and enjoyment of the property.

Again in 1865 (1040 M.E.) the Pattom Proclamation was issued enfranchising the Sircar Pattom lands. The proclamation was intended to place the Sircar Pattom lands on much better footing than at that time so as to enhance their value. It vested full ownership rights on the Verumpattom cultivators of Sircar lands, subject to the due payment of Sircar revenues. This proclamation also gave the right of unrestricted transfer of property. It gave full liberty to lay out labour and capital on their lands to any extent they pleased and provision was made for compensation in case the Sircar resumed the land.

The notification was unambiguous on this provision. It clearly stated in simple language that "the ryots holding these lands may regard them fully as private, heritable, saleable and otherwise transferable property". Accordingly, the sales, mortgages, etc., of these lands will hence forward be valid The lands may be sold for arrears of tax, in execution of decrees of courts and such other legitimate purposes, and may also be accepted as the security by the Sircar as well as private individuals.⁵ This proclamation rather diffused the ownership in land, and land had become a commodity of value, it caused a spurt in the transaction revolving around the land, which had got its own economic consequences.

A number of proclamations followed. Each proclamation was issued with a view to do away with the existing evils of the land systems of Travancore. Thus by a proclamation in Karkadakam 1042⁶ (August 1867) it was declared that so long as the tenants paid the stipulated rents and other customary dues they should not be liable to ejection. The Jemias might raise the rent at the renewal of the lease in cases where re-adjustment was allowed by custom. He might sue for arrears of rent and pray for ejectment if the tenant withheld payment for 12 years consecutively. In cases of restoration of the land to the Jenmi the tenant was entitled to get compensation for

5. Notification of His Highness the Maharaja of Travancore, 2nd June 1865. Quoted in Travancore Land Revenue Manual, op.cit., Vol.IV, p.375.

6. The Jenmi Kudiyar Proclamation of August 1867.

his improvements. If the Jenmi refused to accept payments made by the tenants the latter might deposit the amount in court and absolve himself of any liability.

The Proclamation of 1040 M.E. (1865) enfranchising Sircar Pattom lands and the Jenmi Kudian Proclamation of 1042 M.E. (1867) constitute what Diwan Madhava Rao called the Magna Carta of the Travancore ryots. On 24th February 1886 (14th Kumbham 1061) the Settlement Proclamation was issued. This was necessitated from the fact that apart from the problems presented by the tenures already mentioned, the incidence of revenue assessment generally fell unequally on different tenurial categories, and sometimes on different cultivators under the same tenure. The Proclamation was intended to mitigate this evil. It was stated in the Proclamation that the rice land of the country would be carefully examined and classified with reference to soil, situation, productiveness, proximity to market and other considerations, and assessed at so much per acre of Parah of each class. The estimated gross produce per acre for different classes of land being determined on the best possible data, a deduction of one Parah per seed and an equal quantity for cultivation expenses would be made therefrom. From the remainder one-third would be subtracted for the cultivator's share and the remaining two-third would be divided in the proportion of six~~th~~th-tenths to government and four-tenth to the land holder. Where such net demand was found in any case to exceed the pattom such excess was transferred to the head of Sircar Pattom.

At the former settlements, the practice in the case of Pandaravaka

Otti and other tenures of a cognate nature was to deduct from the Pattom assessment the interest due on the loan, add to the difference, Rajabhogam or Viruty or Mupparai according to the land was garden, or wet and to take the resulting amount as the demand against the properties. It was further a condition of these tenures in many parts of the State then on the transfer of any property by sale it should be subjected to a process called Ottivilakkum, by which the mortgage amount was reduced by one-fourth and the government demand was enhanced by the amount of the interest on the sum reduced. This process being repeated at every succeeding transfers, the result was the ultimate extinction of the debt and the raising of the government demand to the full Pattom.

But in practice, as always happens in such cases in other activities also, the readjustment of the public demand entailed by the process described was almost invariably and successfully evaded by transfers never being reported.⁷ And in the new cases which occasionally came before the government; the calculation involved were tedious and the preparation of the annual accounts embracing the change was often delayed; and after all, the Sircar gained little from the existing arrangements. Therefore, to relieve the ryots from the hardships imposed by this Otti vilakkum, to remove the obstacles which it

7. The ryots concerned in the transfer never cared to come forward to seek the registration of the transfers as it involved an extinction of a portion of the debt which they are entitled to interest and a corresponding addition to their payments to the Sircar.

interposed to the free and unrestricted transfer of property, and at the same time to simplify the accounts the Otti vilakkum rules were abolished.

The Proclamation of 14th Kumbham 1061 (1886) abolished the Inam tenures. It was stated in the Proclamation that "as we have commended that Otti vilakkum should be abolished in the case of Otti tenures on account of its objectionable features it is desirable that this should be done in the case of Inams also, and this important class of properties, which is extensive should be placed on the satisfactory footing advantageous alike to the holders and government. And this will be best attained by freeing them altogether from Sircar interference of any kind and leaving the holders at perfect liberty to deal with them as they like."

Certain rules which are given in Appendix I.A. were accordingly laid down for settlement of Inams.

Viruthy system was one which stood in need of great reform. The Viruthy holders were a class of tenants who, from times immemorial, enjoyed certain lands on light assessment on condition of rendering certain services, such as supply of vegetables and other articles for Sircar Uttupuras, Sircar temples and certain ceremonial occasions in the palace, erection of sheds, providing supplies during Royal tours, the thatching of certain buildings and assisting in the collection of land revenue. There were many other items besides. The tenure of land was permanent so long as the services were heritable on payment of succession duty and other dues to the Sircar. The due

performances of the services were enforced by appropriate penalties. The system was good at its inception. But altered economic conditions entailed hardships on the holders. In 1062 M.E. (1887) a Committee was appointed to suggest remedial measures. In 1063 M.E. (1888) the Maharaja ordered that the Viruthy holders should be exempted from the obligations to render personal services in the course of the tours of the members of the Royal family and other privileged persons. This benefited a large number of people. Finally, the Viruthy system itself was abolished in 1084 M.E. (1909)

Another important measure to better the condition of the tillers of the soil was undertaken in 1071 M.E. (1896). This legislation chiefly aimed at conferring on the Kanam tenant fixity of tenure by checking capricious eviction and restricting the demand for exorbitant rents and renewal fees on the part of the Jenmi and securing to the latter, punctual payment of rent and other customary dues. Because of this regulation things went on smoothly between the Jenmi and the Kudiyans for nearly 10 years. But there were complaints both from the tenants and Jenmies regarding the difficulties felt in the working of this regulation. So the government appointed a Committee in 1915 to enquire into the operation of this regulation. But this Committee submitted a divided report, the representatives of the Jenmies taking the minority view and those of the tenants the majority view. After consideration for a long time, the government published a bill in 1924. Soon it was found that the provisions of the bill did not satisfy either party. So a round table conference was held under the chairmanship of the Diwan. Subsequently, a regulation was introduced

in 1932. This by giving fixity of tenure to the Kudiyan, cut the gordian knot of the Jenmi Kudiyan problem. The regulation reduced the position of the Jermies and made them only entitled to certain dues called Jenmikaram, which is a charge on the land. The tenants' position was elevated and they became practically the owners subject to the payment of the Jermies dues. Those dues which were payable to the Jenmi on specific occasions, like renewal fees, aravakasam, etc., were converted into annual payments which added along with the annual michawaram were turned to "Jenmikaram" which itself was abolished by another act called the Jenmikaram Payment (Abolition) Bill.⁸

The developments from 1829 showed a tendency to eliminate minor tenures and bring all lands under Pandara Pattom. Thus the Sircar devaswom temple lands which were taken over by the State in 1097 M.E. (1922) by a royal proclamation and all lands newly registered and lands which were escheated to government were brought under Pandara Pattom lands. The Devaswom Proclamation brought about an end to the temurial distinctions between Pandaravaka and Sircar Devaswom vaka lands.

The year 1085 M.E. (1910) witnessed the issue of a proclamation to enhance the welfare of the people who are holding land under Kuthaka Pattom. "By this proclamation the Kuthaka Pattom gardens were placed on the same footing as Pandara Pattom lands with effect from 1086 M.E. (1911), on their undertaking to pay a Vilayarthom amounting

8. This Bill provided compensation to the Jermies.

to 10 times the Pandara Patton assessment on their gardens, as fixed by the settlement department and that the said Vilayarthom should be recovered from the holders, along with the kist, in 20 yearly instalments. This concession was subsequently extended to the holders of Thaliveppu gardens as well".

One can conceive the possibility of a complex system of assessment that might have resulted from such a diversity of tenure systems. But a radical reform which was introduced in 1945 in Travancore in the land revenue system abolished the old land tax on agricultural incomes. "This measure", according to V. R. Pillai, "at one stroke cut the gordian knot of a multiplicity of tenures and the welter of rates and schedules."⁹

In 1949 another act called the Travancore Prevention of Eviction Act was passed with the intention of restricting the eviction of Kudikidappukars from their residential huts.

The above analysis shows that in Travancore the Rajas undertook a judicious land policy more conducive to the welfare of the tiller of the soil. The basic elements of this policy were laid down even at the beginning in assessing the lands moderately and implementing the present form of ryotwari principles in the whole of the Siroar lands. Though the ryots had no ownership rights in these lands, they enjoyed fixity of tenure and because of the moderate assessment by the state,

9. V. R. Pillai, A Basic Tax on Land, Indian Journal of Agricultural Economics, Vol.V, No.1., pp.185-90.

the bulk of the rural population was "contented and prosperous" as noticed by Buchanan in 1880.¹⁰

Now we pass on to Cochin. The vast majority of tenants in Cochin State were Kanamdars.¹¹ Till about the middle of the last century they were in no way better than tenants-at-will. They were subjected to arbitrary eviction from their holdings at the will and pleasure of the Jermies. The government of Cochin thought it desirable to grant permanent rights to the tenants. The Maharaja of Cochin expressed the view that expediency and substantial justice required the protection of a large class of industrious population of the country against the arbitrary eviction from the lands in which they had spent their capital and labour for generations together.¹² In order to give effect to this desire the Maharaja issued a Royal writ (Theetooram) in 1863 preventing eviction of Kanam before a period of 12 years.

But this writ did not help the tenants since they ~~was~~ have to face eviction soon after the 12 year period. A Landlord and Tenant Commission was appointed and it submitted its report in 1909. They observed in their report that, "Competition is . . . gradually replacing custom as the governing principle in adjusting the relation between landlords and tenants. But in an agricultural country like Cochin,

10. F. Buchanan, A Journey from Madras through the Countries of Mysore, Canara and Malabar, 1807, Vol.II, p.369.

11. Report of the Agrarian Problems Enquiry Committee, Cochin, 1949; p.50.

12. The holders of Kanam.

where there is no scope for the extension of cultivation, rent and other tenure conditions cannot without serious consequences be left to be settled by unlimited competition . . . In countries like India, where agriculture is the only industry and of other industries some are in their infancy and the rest non-existent, and where the cultivated area is but small and ever decreasing fraction of the cultivated area, public expediency requires the tenure conditions to be regulated and controlled by the State. And so in point of fact they are throughout the continent of India with the only exception probably of the district of Malabar and the State of Cochin, and we see no reason why the agricultural population of so microscopic a portion of India should be singled out for being denied the benefit of such control.¹³ Consequently the Tenancy Act of 1914 (1090 M.E.) was enacted granting fixity to those who took Kanam holdings before 1885. This Act also made provision for improvements, fixation of renewal fees (Kanam lease was renewable every 12 years), eviction of the Kanam tenants on the expiry of the period of lease for bonafide¹⁴ purposes of the landlord.

Side by side with this development, the land revenue settlement of 1899-1905 conferred upon the Pandaravaka tenants who constituted about 42 per cent of the land holders ownership rights. In a later Proclamation (Devassam Proclamation of 1909) all tenants of incorporated

13. Report of Landlord and Tenant Commission of 1909, Cochin, quoted in the Report of the Agrarian Problems Enquiry Committee, Cochin, 1949; p.72.

14. If the bonafides of the landlord were disproved, the evicted tenant could opt to hold the land on the previous tenure.

Devaswom land were given security. The Cochin Tenancy Act of 1938 which superseded the Tenancy Act of 1914 conferred security of tenure who held land between 1885 and 1914. This act restricted the grounds for eviction of the Kanam tenants and limited their renewal fee to 5 per cent of the Kanam amount. This act in addition to these provisions provided a chapter for payment of compensation to tenants for improvements on eviction.

Another proclamation was issued in 1937 to protect the interests of the Kudikidappukar,¹⁵ ~~staying~~ arbitrary eviction from their homesteads. But the Kudikidappukar who had built their homesteads with the help of the land holders were not benefited by the proclamation. Hence two more proclamations were issued, the first on 14th February 1947 and the second on 12th January 1949. They stayed all the suits for the eviction of Kudikidappukars in Cochin.

Another landmark in the history of Cochin was the Cochin Verumpattomdars Act of 1943 (1118). This act and the subsequent amendment to it in 1944 granted security of tenure to all Verumpattom tenants irrespective of the nature of their occupation of land. But in regard to homesteads fixity of tenure ~~of their own~~ was confined to non-municipal areas only. The Devaswom Verumpattom Settlement which was issued simultaneously with the Cochin Verumpattomdars Act 1943 conferred absolute occupancy on all tenants and fixed fair rents.

15. A person who had no homestead of his own to erect a homestead with or without obligation to payment for the use of and occupation of the site. See Kudikidappukars Bill.

Even with all the acts and proclamations there existed certain maladies in the system of land holding. This was brought to light by the Sivaswami Committee of 1947. This Committee recommended immediate state action to rectify these maladies.

The unification of Travancore and Cochin raised certain problems¹⁶ which needed immediate solution. Again the wake of freedom brought with it the need for a complete reorganisation of the agrarian economy. The controls to which the peasants had been so long accustomed represented the very anti-thesis of the political principles the nation want to follow. It was also clear that a key factor in the agrarian system was the tenure system which subjugated toiling tenants to the will of the landlords. These non-producers were in a position to enforce the feudal code of inequality through their grip on the element in the economy - the land. Control of land equalled control of peasantry and in turn control of agricultural production. Consequently a number of acts and proclamations were introduced. Under these come the Kandukrishni Proclamation of 1948.¹⁷ Stay of Eviction Proceedings Act 1950, the Travancore-Cochin Prevention of Eviction

16. Certain Acts were applicable only in Travancore and certain others were only applicable in Cochin.

17. By this proclamation the Kandukrishni lands were transferred to the government of Travancore-Cochin.

of Kudikidappukars Act, 1955,¹⁸ the Verumpattomdars (Amendment) Act, 1954,¹⁹ the Travancore-Cochin Land Tax Act, 1955, the Kanam Tenancy Act of 1955, the Edavagai Rights Acquisition Act, 1955, the Travancore-Cochin Compensation for Tenants' Improvement Act, 1956, Restriction on possession and ownership of Land Bill. All these acts and proclamations, in short, were undertaken with a view to enhance the welfare of the tenantry and to give effect to the principle of "Land for the Tiller".

The portion of Malabar which was directly under the British rule represented a more regressive and oppressive²⁰ type of land tenure than in the erstwhile Travancore-Cochin, where land reforms were

18. The Travancore-Cochin Prevention of Eviction of Kudikidappukars Act 1955 unified the provisions contained in the Travancore Prevention of Eviction Act 1949 and the Cochin Proclamation of 1947 and prohibited the eviction of Kudikidappukars from their huts. The Travancore-Cochin Land Tax Act ~~1949~~ 1955 was intended to extend the basic system of tax assessment to Cochin. The Kanam Tenancy Act was intended to bring the Kanam lands in Cochin under the same provision as those of the Jenmi Kudiyan Regulation of Travancore and the Compensation Act was meant for the introduction of a uniform law for the whole State ensuring fair compensation for improvements made by the tenants when they were evicted. The Edavagai Rights Acquisition Act 1955 was intended to abolish the freeholds enjoyed by the four chieftains of Travancore.

19. Introduction "Rent Courts to hear and decide rent disputes."

20. There existed a peasantry harassed by rapacious landlords against whom there was very little chance of seeking redress as they held important positions and wielded considerable influence on the local administrative machinery.

undertaken to a considerable extent by the ruling Rajas. This oppressive and regressiveness of the system was enhanced by the faulty definitions of the tenures of Malabar by the British. Their faulty definitions of the tenures of Malabar reduced the superior tenures like Kanam and other cognate tenures to mere mortgages and Verumpattom to mere tenancy-at-will. To this was added the increase in population and the consequent pressure on land. This resulted in keen competition for land and the price of land increased *pari passu* with the increase in demand for land. Consequently eviction became rampant and this resulted in widespread unrest among the ryots. This unrest among the ryots took a serious turn and into the notorious "Moplah or Mappila outbreaks".²¹ According to the Tenancy Committee of 1940, "The question of land tenure first attracted the serious attention of the government because of the Moplah outbreaks which assumed grave proportions from 1836 onwards and continued to mar the tranquility of Malabar down to recent times."²² Consequently Mr. Strange was appointed to enquire and recommend measures necessary for defining the land tenures and placing them on a more rational basis. Since the intention of the British was to keep the Muslims and Hindus hostile to each other, Mr. Strange did not consider the Moplah outbreaks as the outcome of repression of tenants by landlords. But to us as a catalytic agent for the initiation of agrarian reforms in Malabar the movement

21. Malabar Muslims are called Moplah or Mappila.

22. Malabar Tenancy Enquiry Committee Report, 1940; p.4.

had perhaps its widest significance. On the recommendation, in 1856, the Sadr Adalt Court issued instructions to the Council Courts defining²³ the main tenures established by usages and precedent. The period that followed witnessed large scale eviction, the evictions were resorted to by the Jemmies mostly for enhancing rents rather than for personal cultivation.

As a result there were complaints from all corners of excessive rents and renewal fees being levied and forcibly extracted by the Jemmies. Moreover, the tenants were, in case of eviction, not given adequate compensation. This in combination with certain other factors, further strained the relation between the Jemmies and tenants. This resulted in a series of social disturbances.

In 1880, the government received an anonymous petition in which it was stated that a terrible outbreak would occur on account of the strained relationship between the tenants and landlords in Malabar.²⁴ Further the then Collector realized that the strained relationship between the landlords and tenants was the primary cause of disturbances. This resulted in the appointment of Mr. Logan as the special Commissioner to investigate the land tenures and particularly the adequacy of compensation allowed for tenants' improvements.

Mr. Logan was of the opinion that, "It is absolutely necessary

23. The definition as we already hinted is faulty.

24. Malabar Tenancy Enquiry Committee Report, op.cit., p.4.

to devise some measures for giving to the actual cultivator of a small holding²⁵ full security that if he plants trees he will be left free to gather their fruits, and that if he reclaim land from the water, he will be left free to enjoy the profits of his labour and capital.²⁶ He also suggested that rent be fixed at two-thirds of the net produce.²⁷ He concluded that "the British land policy in Malabar was faulty from beginning to end".²⁸

A special Commission was appointed in 1884 to refer Mr. Logan's Report. The Commission was of opinion that occupancy rights should be given to tenants holding land for 30 years, or for 15 years in case the land was reclaimed by the tenant himself.²⁹ Mr. Chalmers Turner favoured the conferment of security on an actual cultivator holding land of a prescribed minimum extent, whether on Kanam or simple lease for a period of 15 years.³⁰

The recommendation made by Mr. Logan were given effect by passing the Malabar Compensation for Tenants Improvements Act of 1887.

25. Logan defined the small holder as tenant possessing a holding as the property of a single landlord and not exceeding in extent, 25 acres of wet or dry grain crop land or five acres of garden. Logan, Malabar Special Commissioner's Report on Malabar Land Tenures, 1881-82, Vol.I, Ch.8, para 354(a).

26. Ibid., Vol.I, Chapter 8, para 319.

27. Ibid.

28. Logan, op.cit.,

29. Charles Turner, Minute on the draft bill relating to Malabar Land Tenures, Chapter 7, paras 4-6.

30. Bradley, Report on the working of the Madras Act I of 1887, quoted in the Report of Malabar Tenancy Committee of 1927-28, Chapter 2, para 42.

This Act may be said to be the harbinger of later land reforms in Malabar. This Act was intended to prevent the excessive eviction by providing compensation to tenants in case of eviction. But this did not work favourably for the tenants as it contained all kinds of loopholes. This has been pointed out by Mr. Bradley, the then Collector of Malabar, in a report to the Madras Government on the working of this Act. In this report he stated that, although the Act gave some benefits to the tenants, its effects should not be considered permanent either in giving additional security to the tenants or in checking evictions (which were on the increase) and the practice of giving melcharths.³¹ Further it was realised that the major causes of failure was the inadequacy of compensation awarded to the tenants by the courts and that further legislation was necessary to rectify the defects of the Act. Act I of 1900 was, therefore, passed superseding the Act of 1887. But this Act also was found to be ineffective in checking arbitrary eviction.

Melcharths was a usual phenomenon which helped the proprietors to circumvent the provisions of the Act against eviction. So it became necessary to restrict the power of granting melcharths, for what the tenant wanted was not compensation for giving up his holding but the right to continue in possession of it on payment. Consequently the Malabar Melcharth Bill was drafted. But due to certain unknown reasons it was shelved in 1901. Four years after (1905) the Madras

31. Bradley, Report on the working of the Madras Act I of 1887 quoted in the Report of Malabar Tenancy Committee of 1927-28. Chapter 2. Para 42.

Government passed an Estate Land Bill which contained a provision enabling the government to extend its operation to Malabar district by notification, but this provision was passed into law in 1908. In 1915 Mr. Ennens, the then Collector, submitted a report to the Madras Government, on the working of the Compensation for Tenants Improvements Act, 1900. In this report he attributed the evils of Malabar Tenancy system to insecurity of tenure, rack-renting, exorbitant renewal fees, social tyranny and miscellaneous exactions.

With the intention of conferring fixity of tenure to all Kanam tenants and to all cultivators of the soil of certain categories Mr. Krishnan Nair introduced the Malabar Tenancy Bill in the Madras Legislative Council in 1924. This bill embodied provisions for fixing fair rent and renewal fees. The bill was passed in 1926 but the Governor withheld his consent on the pretext that the bill as passed contained "various inconsistencies", ambiguities and other grave defects from which would emanate litigation and thus render the bill unworkable in practice even if it became an act. Hence the Raghaviah Committee was appointed in 1927 to enquire into and report on the disabilities of tenants in Malabar; the extent of unjustifiable eviction by the Jermies and the necessity for protection of Kanamdars and on the best means of rendering their disabilities.

The Committee, after careful and elaborate investigation prepared a noteworthy report and a draft bill. The government with certain modifications and variations accepted the main recommendations of the Committee and a bill was passed as the Malabar Tenancy Act of 1930.

Within a few years of the working of the Malabar Tenancy Act the defects in the enactment began to show itself. To this was added the effects of world wide economic collapse of 1929. Agricultural prices collapsed and the entire rural economy was reduced to chaos. At the same time all other segments of the economy were outshaped. Consequently the government in 1938 actually gave notice for the introduction of a bill to amend the act but on reconsideration decided to make a more comprehensive legislation. Hence the Malabar Tenancy Committee, or the Kutti Krishna Menon Committee, was appointed in 1940. The Committee examined and reported on the general question of tenancy reform in Malabar. The Committee recommended the granting of fixity of tenure except those transferred for cultivators of fugitive crops, pepper, tea, coffee, rubber, cinchona or any other special crops prescribed by rules. The Committee was further of the opinion that fixity of tenure, both alienable and heritable, should be extended to all classes of tenancies except to certain Kanams which are really mortgages. Commercial sites or lands which are not used mainly for agricultural purposes or as Kudiyirippu should also be granted fixity of tenure. The grounds for eviction of tenants should be restricted. Renewals in their existing form should be abolished and hence failures to take a renewal should not be a ground for eviction. Denial of title, waste and collusive encroachment as grounds of eviction should however be retained. No tenant should be compelled to pay more than the fair rent. Different rates of fair rent were recommended for the Malabar plains and the Wynaad taluk. Fair rents should

be fixed for all lands in a locality by rent settlement officer. The practice of having renewal ~~by~~ deeds executed every 12 years should be abolished altogether, and the renewal fee should be reduced, divided into 12 instalments, and absorbed in the rent. Failures to pay the instalments should not be a ground for eviction. The tenants who have been granted fixity of tenure and fair rent should also be entitled to claim the value of any improvement effected in their holdings. Moreover, fixity of tenure should be granted to all Kudikidappu holders and the Kudiyiruppu holders right of purchase when issued in eviction should be abolished.³² Because of the war the question of implementing these recommendations were postponed.

By this time the idea of socialism and Marxism got its grips in the village folk and this served as the "ideological nucleus" under which the farmers began to demand agrarian reforms. Again the tenancy enactments in the neighbouring States of Travancore and Cochin acted as an eye opener to the tenants of Malabar. Consequently, the wake of 1940's agrarian reform movement caught fire and got widespread enthusiastic support. The number of measures of agrarian reforms put forward in the ensuing period probably exceeded the total of all such measures in all the years preceding this period.

32. Kerala District Gazetteer, Kozhikode, op. cit.

CHAPTER - III

SALIENT FEATURES OF LAND REFORMS AS EMBODIED IN THE LATER LAND REFORM LEGISLATIONS IN KERALA

The Congress Agrarian Reforms Committee laid down certain principles that is to be embodied in the land reform legislation in Indian States. They are, firstly, intermediaries between the state and the cultivators should be abolished and land released by the expropriation of Zamindars should be distributed among the peasant occupiers with restrictions on their power to sublet. Secondly, maximum and minimum sizes of holdings should be fixed and those owning less land than the minimum size of holdings should be settled on co-operative basis on unused land. Thirdly, village communities should be organised for land management and agricultural development. Fourthly, minimum wages for agricultural labourers should be fixed. Fifthly, agricultural prices should be stabilised and minimum prices for agricultural products should be fixed. Sixthly, a well-thought-out policy and scheme of developing rural industries should be put into operation so as to remove the surplus population from the soil and raise rural income. And finally, the burden of taxation that the cultivator has to bear should be in accordance with his ability. It should be elastic so as to vary with the climatic and other conditions of the region and with changes in price levels.

The Plans gave much importance to land reforms and recommended security of tenure, reduction of rent and ownership rights to tenants.

Thus land reform programme has two basic aims, one is economic and the other is social. The economic aim is to secure conditions that would ultimately ensure increased agricultural production and the social aim is to reduce large disparities in the distribution of land, as the patterns of distribution of land has a significant role to play with social status of persons in an agrarian society like ours.

The first objective is sought to be achieved by eliminating all elements of exploitation and social injustice, by providing security of tenure and conferment of ownership on those who "till the soil". The man who tills the soil must own the soil and be sure that he and he alone would reap the benefits of his efforts. This goal is sought to be achieved by abolishing intermediaries and by tenancy reforms.

The second objective is to reduce the inequalities in the distribution of land wealth; which is sought to be achieved by imposition of a ceiling on land holdings and redistribution of surplus land to landless agriculturists.

In conformity with these principles the land reform legislation in Kerala was aimed at achieving the following features: first, abolition of intermediaries between the state and the tiller; second, conferment of security of tenure on cultivating tenants; third, regulation of rent; fourth, fixation of ceilings on holdings; and finally consolidation of holdings and the establishment of co-operative farming.

In 1956 the three regions of Kerala (i.e., Travancore, Cochin, and Malabar) were merged to form the present state of Kerala. Since then the tempo of land reforms legislation was accelerated. The Kerala Stay of Eviction Proceedings Act 1957, the Kerala Land Tax Act, the Kerala Agrarian Relations Bill, 1957, the Jemmikkaram Payment Abolition Bill, the Kerala Conservancy Act, the Kerala Relinquishment Act, consequently were passed. The first act was intended to maintain the status quo in land relation till comprehensive reform measures could be undertaken, the second was to extend the basic tax system of assessment to Malabar which up till then was a part of the erstwhile Madras State. This act removed most of the tenure disparities arising from the modus operandi of the different modes of land revenue and generally helped the cultivators. The Kerala Conservancy Act was enacted to check encroachment to government lands and the Relinquishment Act for legalising the relinquishment of lands by owners in favour of the government. The Kerala Agrarian Relations Bill was the most revolutionary measure in the field of land reforms the State had ever undertaken. This was necessitated because of the failure of the initial measures. There were the landlords who for obvious reasons desired no changes. Again there was an opposition from the traditionalists to whom any change in peasant status was an anathema. Consequently these measures were not forthright in their espousal of the peasant cause. Any relief they offered required lengthy complex process, too often beyond the comprehension of a simple peasant. Moreover, they all sought to preserve the status quo. Hence, beyond

their value as historical landmarks on the way to the establishment of later reforms they had little value.

The year 1958 witnessed two reform measures, namely the Kerala Agriculturists Debt Relief Act 1958 and the Kerala Tenants Improvement Act 1958. The latter one superseded the Malabar Compensation for Tenants' Improvement Act 1900. This Act benefited the agriculturists of the whole State, provided compensation at the rate of 15 times the net annual yield for trees planted by tenants and actual value for permanent structures put up by them, even if there was a contract to the contrary stipulated in the deed providing lease or otti.

In 1960 the Kerala Agrarian Reforms Act was passed. This Act did not give as the Bill did, the claim of restoration of tenants who were evicted after the formation of Kerala. In addition to this the Act widened the definition of plantations and consequently contiguous land interspersed agricultural land within the boundaries of the plantations were made part and parcel of the plantations and those Kudiyan who had homesteads in the plantation area were brought under the mercy of the plantation owner.¹ The Act exempted the land belonging to religious and charitable and educational institutions of public nature, or a public trust from the purview of ceiling. The Act also included provisions which enable the State to pay an amount equal to

1. Now the plantation owner can evict the Kudiyan who had homesteads in the plantation area. This affected a large number of tenants who had homesteads in the plantation area. This provision was included in the Act due to the pressure of the capitalist elements in the State.

the fair rent to the religious, charitable or educational institutions if the tenants purchase the superior interest which was vested in them.²

The definition of the small holder was broadened and he was defined as one who had rights in less than 10 acres of double crop wet land but possessing only less than 5 acres of land. The Act stood for single member tribunal consisting of a government official as against the Bill by which the land tribunal was to have consisted of three members - two elected by local bodies and the other by a government official. The member of the land board is to be nominated as against the Bill by which the member was to be elected by the legislative assembly. The Act placed limitations on the power of sub-letting.³ This limitation on the power of subletting illustrates for the dislike for a rental market.

The ryots' complaints that they were not receiving receipts for the rents they paid was met by requiring a landlord to give written receipts setting forth a full description of the transaction and permitting the tenant to choose to which instalment of the rent he wished the payment credited. Since the idea of confiscation without compensation is not acceptable in a democracy, compensation is provided

2. This shows the State's willingness to support the capitalist elements in the State.

3. To prevent the re-emergence of the landlord tenant system, the Act restricted the right of letting to disabled persons such as minors, widows and persons suffering from mental infirmity.

to landlords who surrender the surplus land to the State.

The Kerala Land Reforms Act of 1963 gave absolute fixity of tenure to the tenant of a kudikidappa and fixity of tenure to others subject to the landlord's right of resumption for personal cultivation. Resumption was allowed only for extension of any place of public religious worship; for the construction of residential buildings, by land owners who actually need it and for self cultivation. In the first two cases resumption was allowed only if the tenant concerned was in possession of an area exceeding 20 cents. The landlord could resume land for self cultivation provided the tenant had land above the ceiling area. The tenants under this category were those who had already got fixity of tenure by the earlier legislations. The legislation granting and the judicial enforcement of occupancy rights did not mean that tenants who were entitled to the rights actually enjoyed them throughout the State. It was found that many of them did not claim the right and was submitted to illegal cases and all sorts of fees and extortionate measures imposed by the landlords; the areas were so depressed that the tenants did not dare to object.

The Act gave the tenants the right of purchase of the superior interest in their holdings. The price was fixed by an official formula, "a rental value" based on an actual rent or the fair rent determined by the government. Thus the price was fixed at 16 times the contract rent. In order to facilitate the purchase provision was made by which the tenant need pay the sum in 16 instalments. The landlords were given compensation by the State on the basis of a graduated scale.

Section 14 of the Act placed a ceiling on the rent payable to the landlord. It was stated that the rates of normal rent in respect of any class of land specified in column (2) of the schedule I shall not exceed the maximum nor shall it be less than the minimum specified against it in column (3) and (4) thereof respectively. According to Section 16 any cultivating tenant may apply to the land tribunal for determining the fair rent in respect of the holding, the instalments if any, in which it shall be payable and the date or dates on which such rent or the instalments thereof shall be payable. The fair rent shall be the rent calculated at the rates applicable to the holding fixed by the government under section 14 of the rent payable, immediately after the commencement of this Act, whichever is less. Provided that in the case of land used principally for the cultivation of tea, coffee, rubber, cardamom or such other kinds of special crops as may be specified by the government by notification in the gazette, or used for any purpose auxiliary to the cultivation of such crops or for the preparation for the same for the market, the contract rent shall be deemed to be the fair rent. In short, this enactment brought the problems of rent determination and security of tenure together in a more consistent whole.

Three things are noteworthy about these sections. First, the task of determining rents was transferred from the market to an officer specifically appointed to determine rents. Second, this officer was to try to do what the market should have done - determine rents in accordance with what the land would bear, since "substantial"

tenants implies some degree of independence in bargaining on the part of the tenant and "Prices and the letting value of Land" could only mean that the officer was to guess at the market relationships which would have existed if the market had worked as it should. There ~~will~~ would have been no problem if he were meant to take the "letting value" as he found it. The whole purpose of appointing the officer was to reach a different letting value - a rent that would encourage the cultivator to improve the land - and to remove the defects resulting from previous rent laws and from the creeping rise of rents in the form of exactions.

Till the enactment of rent laws the rental market ~~was~~ free. Enhancement of rent was left to contracts between the landlords and the tenants.

The rent laws restricted the rent market. The decision of rent by market influences were cut and placed in the hands of revenue authorities. But this did not give any reason to believe that the rents were to be entirely different from markets. This is due to the fact that even today exists certain illegal cases which shows that the rent laws were often broken and not a real guide to the rental income realised from the tenants.

The Kerala Land Reforms Act laid down that no family or adult unmarried person shall own or hold more than 12 standard acres subject to a minimum of 15 acres and a maximum of 37 acres. The 1964 Act reduced the maximum area to 36 acres.

The Act also created Land Boards and Land Tribunals and vested

with them the responsibility of implementing the various provisions in the Act. The Land Board was vested with the entire jurisdiction of the State and the Land Tribunals were subjected to its control. The Land Tribunals were constituted of three members who elected by local bodies and the other a government official. The 1963 Act created a sole member Land Tribunals - the member shall be a judicial officer not below the rank of a Tahsildar. The Act also contained provisions to check the creation of tenancies except in limited cases.

The Act with all its progressive features did not hurt the small holders.⁴ It has been recognized in the Kerala Land Reform Programmes that special protection has to be given to landlords who own small holdings, as otherwise these programmes might, while conferring benefits to one section of the society, cause undue hardships to another section of the society which is in no way better placed in the economy of the country than the section which is benefited. In accordance with this policy, the small holders have been given reasonable protection keeping in view that the interests of the tenants do not suffer. While the tenants of big landlords are given the choice to pay fair rent or contract rent whichever is less, the tenants of small landholders do not enjoy this concession as it is

4. Persons holding or owning below 5 acres of double crop wet land or its equivalent. One acre of double crop wet land is considered equivalent to one acre of coconut garden or one and a half acre of single crop wet land.

considered that a small benefit should accrue to the small land-holder who also is entitled to a reasonable treatment. Again in areas where the tenants enjoyed security of tenure under any law in force prior to 21-1-1964, while the cultivating tenants of big landholders can purchase the landlords' rights, the cultivating tenants of small landholders can do so only after allowing the small land-holder to resume a portion of the land, if he chooses. These are two essential benefits conferred on the small land-holders.

The Act retained certain conditions for eviction such as gross neglect and mismanagement on the part of the tenant or for the landlord's direct operation of the land for himself. But the Act failed to secure the assent of the President of India.

The Congress ministry which came into power after the coalition ministry brought about certain acts like the Kerala Ryotwary Tenants and Kudikidappukars Protection Act, 1962, the Kerala Tenants Kudikidappukars Protection Act, 1963, and the Kerala Land Reforms Act, 1963. This Act secured the consent of the President and came into force in February 1964.

With the enforcement of this Act, the Proclamation of February 14, 1947, the Proclamation of January 12, 1947 (both Cochin), the Cochin ~~Prevention of~~ Verumpattomdars Act, 1118, the Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1924, the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, the Kerala Ryotwari Tenants and Kudikidappukars Protection Act, 1962, the Kerala Tenants and Kudikidappukars Protection Act, 1963, and the Kerala Agrarian

Regulation Act, 1960, were repealed.⁵

Even with all its features, that the Land Reforms Act of 1963 contains a large number of conditions, exceptions and reservations⁶ and several years have to pass to get the benefits of this Act to the actual cultivators.

5. For further details see, Section 132, Kerala Land Reforms Act I of 1964 with rules and notifications, Edited and published by M. C. Mathew, Ernakulam, 1964.

6. Refer pp.48-50.

CHAPTER - IV

LAND REFORMS IN KERALA IN THE PERSPECTIVE OF NATIONAL LAND REFORM POLICY

In the last two chapters we have discussed at length the land reform measures that have been undertaken so far in Kerala. It is to be expected that the land reform policy of the State must be in conformity with that of the whole nation. So it becomes necessary to state the National land reform policy here and see whether the reform measures undertaken in Kerala are in conformity with the former.

Before stating the National land reform policy something is to be said about what we actually mean by land reforms and then the evolution of land reform policy in India.

The term land reform may be defined as the economic and institutional changes which help to build a more productive economy. Within the field of land reform, its various phases are of varying significance in different situations. For instance, in some countries agricultural credit is of first importance, while in others the need for land redistribution is most strategic. Acquisition of land ownership through land redistribution or other means may mean little if ownership is not associated with rights and privileges because of excessive indebtedness or certain kinds of control controls. Interest should centre on various measures that supplement or complement one another in the development of well-rounded programmes for rural

improvement, of which a wide diffusion of land ownership is but one of several objectives. Furthermore, the order of general economic development depends very much on the agricultural situation within a country and the availability of resources for development.¹

The central idea underlying the land reform measures was that agricultural income must be substantially raised and thereafter maintained on a higher level not as a mere largesse to the farmer but as a means of improving the stability of the whole economic system and promoting the State's economic progress.

In India and especially in Kerala the landlord-tenant system created great inequalities of income and social status. So the State was forced to clear the scene by eliminating feudal landlords.

"Measures of land reform", observed the Planning Commission, "have a place of special significance, both because they provide the social economic and institutional framework for agricultural development and because the influence they exert on the life of the majority of the population".² The national policy springs from this idea.

The Bengal Land Revenue Commission in its Report very clearly indicated the need and necessity of radical reforms in land organisation and the technique of farming. Statesmen like Lord Canning and

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1. For an excellent understanding of this whole problem, see, "Measures for economic development of underdeveloped countries", Report by a group of experts appointed by the Secretary-General of the U.N., New York, 1951.
 2. Second Five Year Plan, Government of India, Planning Commission, 1956, p.177.

Lord Lawrence laboured to introduce radical changes in this field. They knew, to quote R. C. Dutt, that land in India belonged to the nation and not to landed class, that every cultivator had a hereditary right to his own holding, and that to permanently fix the land revenue would benefit the agricultural nation, and not a class of landlords.³

Even years before Independence the Congress was talking in very general terms over the land questions. "Feudal relics" should go, land should belong to or be owned by the tiller. The Congress in 1931 organised a "no rent" campaign. The Congress election manifesto of 1946 declared that the reform of the land system which is so urgently needed in India involves the removal of intermediaries.⁴ The same objective was repeated by the Economic Programme Committee of the A.I.C.U. in its Report in 1948. The Report went on to add that all middlemen should be replaced by the non-profit making agencies such as cooperatives, the use of lands of those who are either non-

3. R. C. Dutt, *India in the Victorian Age*, Kegan Paul, Trench, Trubner & Co., Ltd., London, 1906, p.xi.

4. Congress Election Manifesto, 1946, p.75.

The experience of other countries shows that a good system of land tenure depends on many conditions. It depends not on ownership alone nor just on fair dealing between owners and tenants and government policies. It depends upon the productivity of the farms, upon good markets and fair prices, education, credit, farm organisation, farm co-operatives, and governmental institutions that are responsive to the will of the people. Above all it must reflect the conditions of the freedom of the people. The belief that land reforms means only changing the owners of land is thus indeed a misconception.

cultivating landholders or otherwise unable for any period to exercise the right of cultivating them must come to vest in the village co-operative community subject to the condition that the original lawful holder or his successor will be entitled to come back to land for genuine cultivation and the maximum size of holding should be fixed.⁵

The wake of freedom brought with it the need for a complete re-organisation of the agrarian economy. The controls to which the peasant had been so long accustomed represented the very antithesis of the political principles the nation wanted to follow. It was also clear that a key factor in the agrarian structure was the tenure system which subjugated toiling tenants to the will of the landlords. These non-producers were in a position to enforce the feudal code of inequality through their grip on the vital element of land. Control of land equalled control of peasantry and in turn control of agricultural production.

In 1949 the Congress Agrarian Reforms Committee submitted its report which contained provisions for reform measures.⁶ In 1950, a resolution of the Congress Working Committee observed that provision should be made for fixity of tenure to the tillers of the soil. Since

5. The A.I.C.C. Economic Programme Committee Report, 1948, p.48.

6. The Congress Agrarian Reforms Committee in its report firmly stated that 'there should be no scope for exploitation of one class by another'. Ibid., p.6.

tillers included landless labourers also it became necessary to make some provisions for their betterment. Consequently a resolution of the annual session of the Congress in October 1951 fixed their minimum wages. Yet another resolution of the A.I.C.C. in July 1953 spoke of making actual tillers of the soil owners of land and wanted ceilings on land holdings with a view to redistributing the land as far as possible among the landless workers. A year later, 1954, another session of the Congress, while calling for effective steps to expedite fixation of ceilings spoke of every tenant being assured secure occupation of at least a minimum holding. As early as 1949 the Congress Agrarian Reforms Committee recommended in its report that sub-letting of the land should be prohibited, except in certain special cases of disability for personal cultivation, that those who have been cultivating land continuously for a period of 6 years should automatically get full occupancy rights, and that the cultivator should have permanent and heritable right of cultivation. subject to certain safeguard against mismanagement, as also a restricted right of transfer. A cultivator was defined as one who puts in a "minimum amount of physical labour and participates in actual agricultural operation presumably at some one or more stages."⁷

At a later stage the adoption of the socialistic pattern of society at the Avadi Session of the Congress and the adoption of

7. Congress Agrarian Reforms Committee Report, op.cit., pp.7, 35 and 40.

co-operative farming as a national objective at the Nagpur session of the Congress made all the more expedient and necessary to undertake and expedite the reform measures.

It was stated in the Constitution under the head "Directive Principles of State Policy" that "the State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of national life".

"The State shall in particular, direct its policy towards securing (a) that the citizens, men and women equally, have the right of an adequate means of livelihood; (b) the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment."

By this time it was realised that land reform has a place in the growth and development of democratic institutions. Economic and political unrest arise from and are encouraged by instability and insecurity on the land and particularly in the presence of depressing and even deplorable living conditions. Property in land, as we see, was and is a source of control, powers and liberty; and in a democracy a wide diffusion of rights in land or an opportunity to acquire such rights is believed an essential force making for individual freedom and creative individualism.

Again, it was realised that the growth and development of any State depends on the amount of income. In an underdeveloped country like India, agriculture happens to be the more important occupation of the people and therefore it was most important to introduce changes in land tenure and related institutions whenever all programmes of social reorganisation are contemplated.

All these went into the formation of the national land reform policy which found its expression in a precise manner in the Five Year Plans.

The Planning Commission fully realised that the class of absentee landlords and rent receivers have become an incubus on the working of the agriculturist population which finds no justification in the performance of any material service, so far as agricultural improvements are concerned, and fails to provide any effective means for the development of the resources of the land. And the system of land tenure which was prevalent in India did not allow the tiller to take advantage of the natural facilities which exist and improve his technical and economic outfit to an extent which will enable him to meet the competition of farmers in other countries, and so to maintain his family in comfort and to keep his holding intact to posterity.

Therefore, the Planning Commission recommended the abolition of all intermediaries between the State and tillers; tenancy reforms to reduce rents and give tenants an opportunity to acquire permanent rights over the land by payment of fixed compensation, subject to

landlord's right to resume a certain area for his personal cultivation; fixation of ceiling on holdings and prevention of further fragmentation, and the development of co-operative village management and co-operative farming.

The main recommendations of the First Five Year Plan on tenancy reforms were reductions of rents, security of tenure and grant of the rights to tenants to purchase their holdings. It further stated that the maximum rent should not ordinarily exceed one-fourth or one-fifth of the gross produce.

The objectives of the land reform policy in the Second Plan were two-fold; firstly, to remove such impediments in the way of agricultural production as arise from the character of the agrarian structure and, secondly, to create conditions for evolving as speedily as possible an agrarian economy with high levels of efficiency and productivity.

In its ordinary meaning the term intermediary implies any person who intervenes between the cultivator and the State. In the context of land reform in India, the expression is, however, understood in a somewhat narrower sense and indicates the holder of certain recognised proprietary and semi-proprietary tenures generally of a feudal nature which have their origin in the early settlements of land under British rule. The conferment of proprietary rights upon the intermediaries enabled them to break down the customary, permanent and heritable rights enjoyed by tenants and to reduce them to the

position of rack-rented tenants-at-will.⁸ So during the 19th and in the first four decades of the 20th century the main emphasis in the field of land reforms was on re-establishing the rights of the cultivators who had been relegated to the position of tenants-at-will as a result of the imposition of intermediaries. It was only in the post-independence era that the abolition of intermediaries was decided upon as a national programme.⁹

Both the First and the Second Plans stressed the need to stimulate India's depressed agriculture and revitalize its backward rural society. Emphasis was put on setting up of a national farm extension and rural community development service to bring the village people new techniques and outlook and reforms of those feudal and oppressive aspects of India's land system that were holding back farm production; an expanding irrigation on a wide-spread national scale so that crop yields would be less dependent on the unreliable monsoon rains and on reclamation of waste lands for farming.

Among the most important factors which affect rural living standards is the agrarian structure. This term is used here to mean the institutional framework of agricultural production. It includes land tenure, the legal or customary system under which land is owned, the distribution of ownership of farm property between large estates

8. Report of the Committees of the Panel on Land Reform, Government of India, Planning Commission, 1959, p.10.

9. Ibid., pp.10-11.

and peasants farms or among peasant farms of various size, land tenancy, the system under which land is operated and its products divided between owner and operator, the organisation of credit, production and marketing, the mechanism through which agriculture is financed, the burdens imposed on rural population and the facilities provided such as technical advice and educational facilities, health service, water supply and communications.

The land tenures of Kerala revealed an extremely unsatisfactory condition with regard to the relation between landlords and tenants. Relations have become more strained with increasing sub-infeudation. A great gulf has been created between landlords and tenants. The increase of middlemen everywhere as a result of sub-letting, has lowered the economic status of the "have nots" supplemented by the rapidly increasing population is symptomatic of a serious threat to a social and economic stability. Further, in Kerala the upper strata of the peasantry are characterised by complicated agrarian relations. For example, a person may be technically a rent receiving landlord in respect of part of his holding, a cultivating owner in respect of another part and a tenant or a crop-sharer in respect of still another part. Land reform in such a context becomes a question of the degree of exploitation (depending upon the proportion of the total income derived from exploitation) which the community finds it expedient to tolerate.

Because of these facts there had ~~has~~ long been a great gulf between the elite and the privileged on the one hand and the hundreds

of thousands of poor bound up in its old traditional society on the other.

The following table shows the distribution of agricultural population under different groups in Kerala in 1951.¹⁰

Categories	Males	Females	Total
Total population	6,681,901	6,867,217	13,549,118
All Agricultural classes	3,558,676	3,710,411	7,269,087
Cultivators of land wholly or mainly owned and their dependants	1,265,274	1,301,352	2,566,626
Cultivators of land wholly or mainly unowned and their dependants	813,283	824,882	1,638,165
Cultivating labourers and their dependants	1,388,254	1,468,510	2,856,764
Non-cultivating owners of land and agricultural rent receivers and their dependants	91,865	115,667	207,532

From the table it can be seen that before the Planning period 207,532 of people were directing the fortunes of 4,494,929 people. In other words, less than 2 per cent of the people were directing the fortunes of more than 34 per cent of the population. This was naturally a matter of great concern. People began to question increasingly the necessity or inevitability of perpetuating these differences.

The feudal landlords, who owned enormous tracts of land, cultivated this land not on the basis of modern technically equipped

10. Derived from Census of India, Paper No.1, 1960, Table B-1.

enterprise, but with the aid of the peasant labour. They took advantage of the extreme poverty of the surrounding peasantry who had so little land that they were unable to obtain a livelihood on it and therefore compelled to work for the landlord under conditions of bondage and for - miserable pay. "Under this system" to use Lenin's phraseology "the landlord is like a usurer, who takes advantage of poverty of a neighbouring peasant and acquires his labour almost for nothing".

An effort to reduce the traditional inequalities consists of the introduction of land reforms which would strike at the old oppressive landlordism and give the farmer greater incentive to produce more on the land he tills.

With this and the National objective in mind, Kerala Land Reform Bill 1957, the Kerala Land Reforms Act 1960 and the Kerala Land Reforms Act 1963 were passed to achieve the equality of operating for the formerly depressed rural mass by affording protection to the tenants and providing them facilities and incentives to purchase the land and become owners, and by forcing the absentee owners through the implementation of ceiling and redistribution of rents etc., to make a choice soon either to take personal cultivation or sell the land to genuine cultivator.

Many attempts have been made by governments in the past to improve the conditions of the tenants by regulating rents and establishing a secure tenure. The object of the recent reform is more

fundamental: the creation of peasant proprietorship. In so far as tenancy is not entirely abolished, the aim is to improve the conditions of tenancy for those who remain as tenants.

CHAPTER - V

IMPLEMENTATION OF
EARLY LAND REFORM PROPOSALS

The main aspect of any land reform programme is its actual implementation. In order to appreciate the extent of implementation of these reforms in Kerala we must have a glimpse of the extent of implementation of these reforms programme in other States.

A careful enquiry into this reveals that most of the states were content with mere passing of legislative measures to impose ceiling, to regulate rents and security of tenure. The following revelations of the Panel on Land Reforms stand as a testimony to this. They wrote that "we noticed during our tours that the regulation of rents has not generally been effective In many states the recommendations made in the First Five Year Plan have not been implemented or have been only partially implemented". They went on saying that in spite of a legislation on the statute book in the fields the old practice still obtains. Tenancies continue to be governed by customs or agreement. Old rents still continue to be paid and accepted though law has scaled them down in many areas and the receipt of higher rent is illegal".¹

1. Reports of the Panel on Land Reforms, Planning Commission, Government of India, 1959, pp.35-37.

Thus in states like Andhra Pradesh, Gujarat and Uttar Pradesh, legislation was enacted as early as in 1960. But nothing has been done beyond taking some preliminary steps. In Bihar, Madras, Maharashtra and Madhya Pradesh, the governments have merely enforced the legislation. But no progress has been achieved with regard to actual implementation. But states like Orissa, Mysore, Rajasthan and Union territories not even enforced the legislations so far.

Here we may enquire into the causes for this state of affairs. In general it is seen that main obstacles to effective implementation and enforcement of measures designed to ensure security of tenure to tenant cultivators lie in the general ignorance and illiteracy of the tenants, their weak economic positions and lack of organisation. In certain cases, the lack of correct and up-to-date land records stand in the way of implementation. The tenants whose names are not entered in the records sometimes found it difficult to prove their tenancy or their title to restoration in case where they have been illegally ejected. In certain cases the tenants have voluntarily surrendered their land under the influence of the land owners.

Again on account of their weak economic position, the tenants dare not lodge complaints lest they be deprived of the use of the leased land. Further, both the landlords and tenants do not let the authorities concerned know of the collection of rent above the fixed rates and the unnecessary or unwarranted ejectments in the form of "voluntary surrenders".

The First Report of the United Nations on Progress in Land

Reforms pointed out that redistribution of land ownership in order to raise the standards of the rural population is dependant primarily upon appropriate political conditions. However, even for less far reaching measures of reforms to be successful, favourable economic and social conditions as well as adequate administrative machinery are also required. The problem of illiteracy and lack of educational opportunities has been mentioned as an obstacle to the diffusion of knowledge on the need for and the benefits of reform measures. Inadequacy of transport and communication is another factor which keeps large sections of the rural population in economic and social isolation. Limited financial resources also prevent the effective carrying out of the programmes for which legislation has been passed. Still another obstacle is the scarcity of trained managerial and administrative personnel for administering reform measures and providing appropriate assistance and advice to farmers.

In addition to these, ideas of land reforms are themselves fast undergoing a change. What appears to be a matter of substantial reform today becomes insufficient tomorrow and in the absence of a clear conception about the final goal of our land reform measures, changes in the law are bound to be made with a view to satisfy the immediate progress. Again, in an attempt to balance meticulously the interest of owners and tenants, the provision of law in a number of states have become so complex that the bulk of the peasantry find it difficult to understand them. After the enactment of law it was generally left to the tenants and the landlords to take advantage of all the provisions of the new legislation and ~~was~~ no organised effort

was made to make the tenants understand the law and ensure that they take advantage of it.

Even where the tenants are aware they are generally too weak a position both economically and socially to insist their rights. The landlord class includes money lenders and tradesmen upon whom the tenants have frequently to depend for credit and other necessities of life. Socially the tenants often belongs to the scheduled castes and backward classes and are afraid of exercising their rights against the higher classes.¹

This analysis shows that the reorientation of a feudalistic land tenure system must rest on a sound foundation of law and policy. In addition to this, it must be carefully planned, it must have an adequate structure of organisation to carry out the planning. Therefore a large and widespread organisation comprehending many skills and diverse functions, to carry out the work once the legal and planning phases have been achieved must be created. This organisation must be trained and disciplined for the specific functions it is to perform. It is an obvious fact that the democratically oriented tenure reform programme had to utilise the services of many more people than are required in a revolutionary or totalitarian schemes, whose principal objective is simply to turn out one set of occupiers in favour of another set. Above all, before any work at all could be commenced the government officials must be made aware of their responsibilities

1. See Reports of the Panel on Land Reforms, Planning Commission, op.cit., pp.37 and 38.

and duties in the land reform programme. If needed they must be given training and they must be oriented in the general features of the new legislation.

In short, for the successful implementation of the programme, it requires a continual watch on current or incipient trends, systematic observation of technical, economic and social data and adjustments of programmes in the light of new requirements.

In Kerala the land reform legislations are under the process of implementation. The programme of implementation can be divided into two phases. The first or the initial phase of implementation deals with issues related to administrative aspects with emphasis on administrative obstacles on the one hand and malafide actions on the other.

The second or the advanced phase of implementation relates to (a) farm units with emphasis on size or shape, land use, organisation and management, volume of production, (b) individual farmers with emphasis on personal status (dignity of social standing, relation to farmer landlord groups), economic status (credit facilities, rent regulations, living and consumption level), work efforts (incentives and productivity), and (c) general development of economy and society with emphasis on labour situation, industrial development, income distribution, social and political stability.

During the initial stage of implementation it was experienced a considerable similarity between the various social programmes with

their respective emphasis on cultural and technical factors. It also revealed the general aspects of administrative and the latent resistance against social changes by vested interests associated with the administrative machinery. The resistance of vested interest or the landlords in the state was expressed in terms of writs and petitions in the High Courts and the Supreme Court to get these reforms declared unconstitutional and in many cases they were successful and consequently the reform measures remained not implemented. This lead us to infer that even though the role of the state government is vital in the process of implementation the law enforcement branch of the government remained aloof from the programme. This inference can further be fortified from the fact that when cases involving landlords and tenants were pointed, the courts turned to older statutes and precedents, pointedly ignoring the land reform laws. Again, the administrative machinery that has been evolved in this state is relatively more capable of giving effect to police measures rather than to welfare measures. It has not so far been in a position to assess and meet the real economic and social needs of the people, and has not yet reached the stage when it can implement effectively the type of legislation which calls for constructive developmental action.

The mala fide practices on the part of the landlords expressed itself in the form of false or unrecorded evictions or in the form of false or unrecorded evictions or in the form of "voluntary surrenders". This state of affairs can be attributed to such reasons as carelessness or indifference on the part of the tenant, disinclination on the

part of the tenant to antagonise the landlord, tenant's ignorance about the tenancy legislation and his feeling that the landlord has, as a birth right, absolute claim on his land, fear of losing the privilege of cultivating the land even as tenant at will, promise from the landlord that he would get better land in place of the one from which he is evicted, a written agreement obtained by the landlord from the tenant that he is only a labourer, etc. Again, the landlord being both socially and economically more powerful has been able to take advantage of the tenant's ignorance about the law and his inability to resort to Court even where he is conversant with the provisions of the tenancy Act. Further, the village records being vague it becomes difficult to prove evasion of law by the landlord even when he has wrongfully evicted a tenant.

The second phase of implementation, as we have already hinted, may be discussed in relation to (a) farm units with emphasis on size or shape, land use, organisation and management, volume of production, (b) individual farmers with emphasis on personal status (dignity of social standing, relation to farmer landlord groups), economic status (credit facilities, rent regulation, living and consumption level), work effort (incentives and productivity), and (c) general development of economy and society with emphasis on labour situation, industrial development, state's income distribution and social and political stability.

In Kerala 68.4 per cent of the plots of dry land and 47.5 per cent of the plots of wet lands are less than half an acre in

Travancore region of the state. From the experience of countries, both developed and underdeveloped, we can confidently say that in agriculture, there is a minimum unit for efficient production which may widely vary, depending on the type of farming adopted. In many respects, we have to admit that we have reached the smallest economic unit of production. Fragmentation involved, waste of time, money and effort, it restrained the cultivators from attempting improvements, it enforced uniformity of cropping and especially restricted the growing of fodder crops in the period when cattle are usually sent out to graze on the fields.

The small size of the farm units resulted in defective organisation and management and obsolete method of production. Consequently agricultural progress is hindered and the volume of production remained stationary at a low ebb. The land reform measures in Kerala contained no provision to change the existing farm size or shape, land use, organisation and management and hence volume of production.

Our discussion on the effects of land reforms in Kerala have shown the trend of social change in Kerala. Formerly, the village was organised around two institutions, the family with its dependants and the caste. Every man was born into a certain status in society and family, and the whole course of his life was determined by such status. In short, status, customs, religion, family, locality and birth determined a man's means of livelihood, his place of abode or his activities. As time passed and education spread side by side with the socialist

ideas and the limited extent of the implementation of land reforms smashed this old orthodox way of living. But because of the defective implementation of the reform measures certain elements of the old order still continues to be there. This residue of the old order took the shape of a semi-feudal regime with huge areas of land concentrated in the hands of aristocratic estate owners. Consequently, masses of farmers are still landless or have but tiny farms, and so their lives are very hard, both in respect of housing and nourishment (families of 6 persons and more to be found in one room). The tenant-landlord relation is even now not cordial. The tenants continued to hold land under the old intermediaries. But a ray of hope is introduced into the horizon of landlord tenant relationship by regulating the rights of the tenants by the Tenancy Acts. In few cases, however, all tenants were brought into direct contact with the state. Such tenants become full owners and are required to pay generally three to six times the assessment as compensation. The compensation was made recoverable as arrears of rent.

But our intensive study into this reveals that the essential conditions for development like credit, an effective price policy, regulated markets, cooperative farming, irrigation facilities, agricultural education, well-equipped transport and communication systems are still lacking. Even though some incentive is given through the implementation of rent laws and the provision regarding security of tenure, because of the lags in other spheres, productivity of the farms remained at a low level and consequently agriculture remained

as a subsistent and stagnant industry. Since it remained as a stagnant industry, the consumption level of the people remained at a sub-marginal level.

It is to be seen that the provision regarding rent were far from adequately enforced and a large extent of customary rates of rent continue to prevail. In certain cases the tenants are not aware of the rights granted to them through the reform bill and the initiative came from those tenants who knew the provisions were not successfully exploited by the government. This can be seen from the fact that out of the 58,890¹ applications for fixing fair rent before the Land Tribunals practically nothing was done. There were nearly 3/4² lakhs of applications before the Land Tribunal when the Communist-sponsored Land Reform Bill was declared null and void. Even though the new bill transferred these application forms to the new tribunals which were established by the Sankar Ministry, nothing has been done to it. This killed much of the initiative of the people and consequently, after the new bill not many applications came to the consideration of the new Land Tribunals. Again, the fact that the Land Tribunal always tries to get a report from the Revenue Inspector and the Land Tribunals give their verdict depending upon the report. But in majority of cases, the Revenue Inspector's report does not give the real facts (due to the influence exercised by the landlords) and the consequent result is the failure of the Tribunal to give a just and

1. "Kerala Kaumudi", Jan: 25, 1964, A Malayalam Daily.

2. Ibid.

fair verdict. This annihilated even the very little initiative left with the people.

The labour class in Kerala are restive and consequently a menacing social situation was developing. This was due to the fact that apart from agriculture there was no other means of support in the villages. In order to remedy this situation the main line of action lies in the diversification of rural economy, by reorganising the traditional village industries suited to the condition of different regions.

It was hoped that the second and the Third Five Year Plans will provide employment opportunities for the new entrants of the labour force and relieve under-employment in agriculture and small scale industries. But these plans failed miserably in realising this objective. Hence the economic dependance of the tenant and the workmen upon the rich landlords.

There are practically no big industries in Kerala. The sum spent during the Plans for the industrial development in the state was meagre. The income distribution in the state is defective. These evils were perpetuated, to some extent, due to the instability of the political system in Kerala.

Above all, for the successful implementation of the reform measures all the villages were to be surveyed and settled. Again, it requires a continued watch on current or incipient trends, systematic evaluation of technical, economic and social data and adjustments of the programmes in the light of new requirements. The implementation

of ceiling, apart from its likely unpopularity will depend upon the availability of a thorough record of rights and a good census of landholdings.

It was pointed out by authorities on land economics that in countries where land reform has been precipitated through a mass struggle and popular agitation implementation of laws would be a comparatively easy matter and evasion fewer. Land reforms in India (even though Kerala is an exception to this to some extent) on the other hand far from being the result of a class struggle or popular demand, has been at best an official measure emerging as it did from the minds of an intelligentsia which was sympathetic towards the small man but was not particularly excited regarding the rights of the tenant vis-a-vis that of the small land holder.³

Experience in the state establish the fact that for the successful implementation of the social reform programmes adjustments and even more changes will be necessary during the period of implementation. Again, the reform programmes must be thoroughly effective in cancelling out the ancient landlord systems; on the other, it must demonstrate that democratic, social and political actions could be vigorous without disruption or destruction. Further, the programmes had to be completely genuine in and for itself. Above all, any policy programme with the objective of introducing changes in income

3. A. M. Khurro, op. cit. p.45.

distribution and in the social balance must anticipate considerable opposition during the process of implementation from the side of the vested interests which frequently are associated with the administrative machinery.

The implementation of the land reform proposals were successfully completed in China and Japan by encouraging citizen participation in the programme of implementation. They realized the fact that the initial action should take place in the villages and this was made possible by the formation of village commissions.

For successful implementation of the land reforms in Kerala, we consider it expedient to establish village commissions consisting of seven members, three representing tenants, two representing small holders and two representing landlords. The Panchayats must be entrusted with the overall supervision of the operation of these village commissions. It must also take further responsibility of checking cases of evictions, surrenders, changes of tenants, lease contracts, increase in rent, mortgages or sale of lands, demarcation of reasonable area, etc. Any evasion of these provisions by the landlords should be made punishable so as to discourage this unhealthy tendency which appears fairly widespread among landlords.

CHAPTER - VI

IMPLEMENTATION OF THE LATER LAND REFORMS

In the last chapter we have discussed the implementation of the earlier reform measures and the problems faced thereof. In this chapter we propose to discuss the measures taken to implement the provisions of the Kerala Land Reforms Act, 1963, and after.

The Kerala Land Reforms Act 1963 came into force on 1.4.1964.¹ A Land Board with the first member, Board of Revenue as the sole member was constituted and fifteen Land Tribunals were set up with effect from the above date for the implementation of the provisions of the Act. The number of Land Tribunals were raised to 28 from 1-10-1964. Some adjustments in the headquarters and the jurisdiction of the Land Tribunals were effected thereafter. In 1966-67 the number of Land Tribunals was raised to 27. From 1st January 1970, Land Tribunals were established in each Taluk to accelerate the tempo of implementation of the Land Reform proposals. The Land Tribunal is the implementing authority for most of the provisions governing the rights of the tenants.

One of the most important objectives of land reform policy is

1. This Act was amended in 1968 and this Amendment Bill came into force on 1-1-1970.

the introduction of measures designed to confer security of tenure on the one hand and regulation of rent on the other.

Section 13² of the Kerala Land Reforms Act confers fixity of tenure on all tenants in respect of their holdings and stipulates that no land from the holdings shall be resumed except as provided in sections 14 to 22.³ As such there is no need to secure an order from any court or the Land Tribunal for securing fixity of tenure. But there may be cases where the tenancy, being oral, is disputed by the landlord. In such cases, the tenant has in effect no fixity of tenure unless he has established his tenancy by getting a reward of right prepared under Sec.29 of the Act, or indirectly, by getting the fair rent for the holding fixed through the Land Tribunal under Sec. 31.⁴

2. The Kerala Land Reforms (Amendment) Bill 1968, inserted two more sections, 13A and 13B after Section 13.

Sec.13A deals with restoration of persons evicted on or after 1st April, 1964 and Sec.13B deals with restoration of possession of certain holdings sold for arrears of rent.

3. The Kerala Land Reforms (Amendment) Bill, 1968, amended Sec.18 and omitted Sec.19 of the 1963 Act.

4. Sections 29 and 31 of the 1964 Act were modified to the tenant's advantage in the Kerala Land Reforms (Amendment) Bill, 1968. For further details see the Bill.

The following table reveals the position regarding fixity of tenure of leased-in-land.

Type of land.	Total	P e r c e n t a g e						
		Fixity obtained			Fixity not obtained.			
		Leased-in-land through Land Tribunal.	Thru' agreements	Total	Under disputes	Reje-cted.	Oth-ers.	Total
Kanam	100	..	94.2	94.22	5.78	..	..	5.78
Kushikanam	100	0.5	99.34	99.34	0.13	..	0.03	0.16
Kanam-Kuzhi kanam	100	..	99.90	99.90	..	..	0.10	0.10
Verumpattom	100	5.50	86.19	91.75	2.38	0.41	5.46	8.25
Mulgeni	100	..	100.00	100.00	..	..	..	..
Chalgeni	100	..	100.00	100.00	..	..	..	..
Vaidageni	100	..	..	..	..	..	..	..
Kudiyirippu	100	7.87	87.85	95.72	3.98	0.12	0.18	4.28
Deemed Tenancy	100	1.36	94.36	95.72	0.64	3.61	0.03	4.28
Others	100	8.48	76.75	85.23	14.15	0.06	0.56	14.77
All	100	3.12	91.07	94.19	3.08	0.29	2.44	5.81

Source: Bureau of Economics & Statistics, Trivandrum, and State Planning Board, Trivandrum, 1966.

From the table it can be seen that in the State as a whole about 94 per cent of the leased-in-land under all types of tenure got fixity of tenure either through the sanction (indirect) of the Land Tribunal or through mutual agreement of the superior right holders and the tenants. Out of the remaining 6 per cent of the leased-in-land for which security

of tenure has not been obtained, the tenancy is under dispute in the case of 3 per cent and the right for security of tenure not passed in the case of over 2 per cent.

The balance, which is a negligible percentage represents land for which the claim of tenancy has been rejected. Considering the different types of tenancies separately, it is found that fixity of tenure has been obtained for almost cent per cent of the land Kuzhikanam and Kanam-Kuzhikanam, the same is the case with Mulgeni and Chalgeni also but the area under these types of tenures is quite small. The condition in this regard is worse in the case of others. This is quite understandable in view of the dubious and unspecified nature of these tenancies. Under verumpattom also the percentage area without fixity of tenure is rather big (6%). This may be due to the fact that a considerable part of the verumpattom tenancies is just oral and not backed by documents. It may be noted that the percentage area for which no claim of tenancy has been made is the largest in this type of tenure, which has caused the area without fixity of tenure to be large in this class. On the whole the position regarding fixity of tenure is quite satisfactory.

Among the districts, Cannanore and Quilon have achieved the greatest progress in the matter of ensuring fixity of tenure to the tenants. The situation is found to be the worst in the districts of Alleppey, Kottayam and Palghat.

Purchase of Landlord's right

The cultivating tenants are entitled to purchase the rights of the landlords on their holdings by Sec.54 of the Kerala Land Reforms Act. The Act further stipulates that a cultivating tenant entitled to purchase the right, title and interest of the land owner and the intermediaries may apply to the land tribunal for the purchase of such right, title and interest of the land owner and the intermediaries, if any, is fixed at sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates; the value of structures, wells and embankments of a permanent nature belonging to the land owner or the intermediaries, if any, one half of the value of timber trees belonging to the land owner or the intermediaries, if any.

Provision is also made to enable the tenant to pay the purchase price either in lump or in instalments. If the tenant pays it in lump he need only pay 75% of the purchase price. If it is paid in instalments the purchase price payable shall bear interest at the rate of $4\frac{1}{2}$ per cent per annum from the date on which the right, title and interest of the land owner and the intermediaries vested in the cultivating tenant. In spite of all these provisions very few tenants have tried to make use of this provision in the Act. A survey conducted by the Bureau of Economics & Statistics revealed the fact that no purchase has taken place under this provision of the Act. A few tenants have, however, purchased the leased-in-land from the landlords by mutual agreement. The land purchased in this manner form only less

than one per cent (0.92%) of the total leased-in-area. Cases pending with the Land Tribunals cover only 1.5 per cent of the area. In the case of the remaining area no enthusiastic attempt has been made by the tenants to acquire ownership by evoking Sec.54 of the Kerala Land Reforms Act. Enquiry with the Land Tribunals has revealed that a limited number of applications under Sec.54 has been disposed of by them. In the case of applications which have been allowed, the cases have been referred to the Land Board for issuing the purchase certificates as stipulated under the Act. But no case for receipt of the purchase certificate by any tenant has, however, been enumerated in the above-mentioned survey. Indifference, aversion to litigation, financial incapacity to meet the expenses connected with the purchase, voluntary choice to continue as a tenant in case where rent is very low, etc. are the factors which deflected the tenants from utilising this provision of the Act. It may also be possible that they remained inactive because of Sec.72 in the Act whereby the rights of the landlord will finally be conferred on the tenant even if he has not applied for the same.

Sec.72 of the Kerala Land Reforms (Amendment) Bill, which came into force on 1st January 1970, states that on a date to be notified by the government in this behalf (vesting of landlord's right in government) in the gazette, all right, title and interest of the land owners and intermediaries in respect of holdings held by cultivating tenants (including holders of kudiyruppu and holders of Karainas) entitled to fixity of tenure under Sec.13 and in respect of which

certificates of purchase under sub-section 2 of Sec.59 have not been issued, shall subject to the provision of this section, vest in the government free from all encumbrances created by land owners and intermediaries and subsisting thereon on the said date:

Provided that nothing contained in this sub-section shall apply to a holding or part of a holding in respect of which an application for resumption under this provision of this Act is pending on such date before any court or tribunal or in appeal or in revision.⁵

The Districts of Alleppey, Ernakulam, Kozhikode and Trichur are ahead of the other districts in the purchase of landlord's right by tenants. All the purchases effected are arranged between the parties concerned and not under the provision of the Act. These direct purchases may, however, be attributed to the act as they might have been mostly prompted by the legal rights and liabilities laid down by the Act. Even if this view is taken the performance in this respect has been very poor in Trivandrum and Quilon districts. No case either of direct purchase or application for purchase has been met with in the Quilon District.

Control rent.

Several methods of renting land existed in Kerala. The most popular among them were one-third share method under which the landlord receives one-third of the grain produced. The second method is one-half share method, where the landlord receives one-half of the

5. For further details see the Amendment Bill, 1969.

crop. The third method is called the two-fifths share method where the landlord takes two-fifth of the produce. The fourth method is the two-thirds share method where the landlord receives two-thirds of the crop produced. The fifth method is the six-tenth method where the landlord takes six-tenth of the produce. In these various cases the contribution of the landlords for the cultivation of the land varies according to conjuncture.

The practice of the tenance making certain customary payments over and above the contract rent was widely prevalent in the State. Customary dues are anything other than rent, michavaram or renewal fees, (i) payable in cash or in kind by a tenant to his landlord, or (ii) allowed to be taken by the landlord from the holding, periodically on the happening of an event or on the occasion of any festival, and includes Onakazhcha, Utsavakoppu, Perunnalkkazhoha, and Aradiyanthiram. Payments of such dues used to be a provision, written or unwritten, of any tenancy contract. The cost of meeting these obligations is generally nominal in comparison with the contract rent. Where the customary dues cost substantially it must have been taken into account in fixing the rent, and the rent would be very low. There may of course be exception to this general rule.

Consideration of the landlord's share will not be complete unless we take into account the question who has to bear the incidental charges connected with the conveyance of crop, etc. Available evidence points out the fact that in the case of temples and landlords in general, the produce had to be conveyed to the landlord by

the tenant. Persons who hold temple lands on lease were bound by agreement to bring to the courtyard of the temple the stipulated quantity of paddy or rice free from dust, chaff and unripe grains and give them in heaped measures. It is expressly stated in the documents that they had to bear the incidental charges such as wages of those who had to carry them to temple. It was also customary to give, in addition to the agreed quantity, an extra quantity to meet wastage, and failure to comply with the assignment sometimes deprived the cultivator of his cultivating right.

There were certain tenancies where no contract rent was payable. This was the case with many of the Kudiyiruppu tenancies; there were at least a few such cases under other types of tenancies.

(Please see next page for table . .

Table showing contract rent for wet land and dry land

Category of land	Payment of Contract rent			Contract rent paid to												Customary payment		
	No. of cases (000)	Area (000 acres)	Amount per acre (Rs.)	Landlord			Intermediary			Both			No. of cases (in 000)	Area (in 000 acres)	Amount per acre (Rs.)			
				No. of cases - %	Area - %	to total	No. of cases - %	Area - %	to total	No. of cases - %	Area - %	to total						
																Rent per acre (Rs.)	Rent per acre (Rs.)	Rent per acre (Rs.)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16			
Single crop paddy land	424.8	323.9	95	93.9	91.4	94	5.6	7.3	89	0.5	1.3	186	18.2	12.7	4			
Double crop paddy land	403.6	340.9	204	90.9	86.8	207	8.9	12.5	164	0.2	0.7	200	103.5	55.3	13			
Total paddy land	828.4	664.8	149.5	92.5	89.0	150	7.2	10	141	0.3	1.0	195	121.7	68.0	11			
Other land	1895.2	1229.3	37.0	92.8	94.4	36	6.9	5.3	45	0.3	0.3	4	117.0	81.9	3			
All lands	2723.6	1894.1	88.0	92.7	92.5	86	7.0	6.9	103	0.3	0.6	130	238.7	149.9	7			

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

From the table it can be seen that the total number of cases for which contract rent is payable is 27.24 lakhs and the area covered by them is 1894 lakh acres. Number of cases given in the table represents the number of plots. In respect of 92.7 per cent of the cases (plots) and 92.5 per cent of the area the rent is paid exclusively to the landlord and in respect of 7 per cent of the cases and 6.9 per cent of the area the rent is paid exclusively to the intermediary. Cases where rent is paid partly to the landlord and partly to the intermediary constitute only 0.3 per cent and the area covered by them form only 0.6 per cent of the total area.

The average contract rent per acre is lowest in cases where it is paid directly to the landlord and highest where it is paid partly to the landlord and partly to the intermediary. The rent per acre of double crop land is almost double that for the single crop land. The rent for dry land is much low compared to that for wet land.

A survey conducted by the Bureau of Economics and Statistics, Trivandrum, in 1966 revealed that customary dues are paid only for 9 per cent of the total area for which contract rent is payable. This must be due to the discontinuance of such payments by the vast majority of the tenants after the introduction of land reform measures. The average amount of customary dues paid per acre was Rs.7 which is about 5 per cent of the average amount of rent per acre.

Fixation of Fair Rent

Fair rent is defined in the Kerala Land Reforms Act as the rent payable by the/cultivating tenant to his landlord shall be the rent

calculated at the rates specified in Schedule III⁶ applicable to the class of lands comprised in the holding or the contract rent whichever is less. The Land Tribunal has been empowered to determine fair rent. Provision has also been made to enable the landlord and tenant to agree as to what shall be the fair rent payable in respect of the holding, provided that the agreed rent shall not exceed the fair rent as fixed by Sec.27 of 1964 Act.

Moreover, provision has been made to deal with the mode of payment. It is stated that when the rent is payable in kind or in money at the option of the tenant, he shall be entitled to receipt in writing signed by the landlord receiving the rent in kind or in money received and the year for which it is paid.

In order to cope with abnormal situation such as damage to or failure of crops it has been stated in the Act that the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of the damage to, or failure of crops and order such remission of rent as appears to him just and proper. The decision of the Collector or the Officer authorised by the government shall be final and the tenant shall be entitled to get the benefit of the remission so ordered.

It can be seen from the table given in page 93 that fixation of fair rent has been effected only in the case of 2.2 per cent of the leased-in-plots covering 2.9 per cent of the area leased in. In respect of 0.8 per cent of the plots covering 1.3 per cent of the area leased in, applications are pending with the Land Tribunals for fixation

6. Refer "The Kerala Land Reforms Act, 1963", pp.132-134.

Fixation of fair rent

Type of land	No. of cases ('000)	Total area (000 acre)	Rent fixed			Pending with Land Tribunals			Not fixed			Reasons for no action		
			No. of cases			No. of cases			Satisfied with contract rent.			Indifference		
			Area %			Area %			No. of cases			Area %		
			Per acre (Rs.)			No. of cases			No. of cases			No. of cases		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Single crop paddy land	440.4	377.2	4.8	5.3	84	0.7	3.6	34.8	30.5	35.3	38.3	24.4	22.3	
Double crop paddy land	522.3	330.7	5.7	8.1	142	1.5	1.0	45.3	47.8	8.8	6.3	38.7	36.8	
Total paddy land	962.7	707.9	5.3	6.6	120	1.1	2.4	40.5	38.6	20.9	23.3	32.2	29.1	
Other land	1803.2	12013.6	0.5	0.7	85	0.6	0.7	54.9	49.7	21.2	22.0	22.7	26.9	
All lands	2765.9	1921.5	2.2	2.9	113	0.8	1.3	49.9	45.6	21.1	22.5	26.0	27.7	

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

of fair rent. Strangely enough no action has been taken to avail of this important provision of the Act, in the case of 95.8 per cent of the leased-in-area. In respect of 45.6 per cent of the area, the tenants remain satisfied with the contract rent. Indifference accounts for no action regarding 22.5 per cent of the area.

Resumption of leased out land.

We have already stated that security of tenure is one of the most important provisions contained in the land reform legislation of Kerala. But it is to be noted that the question of security of tenure is, however, interlinked with the question of landlord's right to resume land for personal cultivation. The nature and extent of restrictions on the right of resumption, therefore, constitute the core of the problem of security of tenure. Sections 14 to 17, both inclusive, and Sec.21 of the Kerala Land Reforms Act deals with the problems of resumption of land for personal cultivation and for other purposes. Sec.22 (1) of 1963 Act lays down that a landlord desiring to resume any land shall apply to the Land Tribunal within whose jurisdiction the land is situated for an order of resumption. The application shall be in such form and shall contain such particulars as may be prescribed.

The following table gives information regarding resumption effected and the methods adopted for resumption.

Resumption of leased out land

Purpose/ Condition for resumption	Method of resumption							
	Through Land Tribunal		Through Civil Courts		Others		Total	
	No. of cases	Area acres	No. of cases	Area acres	No. of cases	Area acres	No. of cases	Area acres
1	2	3	4	5	6	7	8	9
Tenant possess- ing more than ceiling area and landlord less	..	..	..	..	636	1102	636 (18)	1102 (44.8)
Landlord being small holder	769	367	..	..	169	141	938 (26.5)	508 (20.7)
Others	..	..	..	..	1965	849	1965 (55.5)	849 (34.5)
Total	769	367	..	..	2760	2092	3539 (100)	2459 (100)

Source: Bureau of Economics & Statistics, Trivandrum, 1966.
Figures in brackets represent percentages.

From the above table it can be seen that only the small landlords approached the Land Tribunals for permission to resume the land. Others used other methods, the most important among them being mutual negotiations.

Eviction of Tenancy and Kudikidappu.

The Department of Revenue has undertaken a survey in the year

1966 under the guidance of the Bureau of Economics & Statistics in order to realise the actual position regarding the eviction of tenancy and kudikidappu during the period between ~~1965~~ 1955 and 1965. The result of that survey is given below:

Eviction of tenancy

Method of eviction.	No. of cases	Area (acres)	Compensation paid in	
			land (acres)	Cash (in 000 Rs.)
1	2	3	4	5
Through Civil Courts	4742	3365	6	692
Outside Court	..	..	..	..
Total	4742	3365	6	692

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

From the above table it can be seen that all the eviction is effected through the civil courts. A significant point to note here is that no case of eviction of Kudikidappukars has been met with even though there are 3.43 lakh Kudikidappukars in the State.

Settlement of arrears of rent.

Sec.73 of the Kerala Land Reforms Act allows certain concessions to the tenants in discharging arrears of rent. According to this section arrears of rent which have fallen due on or after 15-2-1961 and outstanding at the commencement of the Act (1-4-1964) shall be fully discharged by paying 75 per cent of the arrears of rent

within a period of 6 months from the commencement of the Act.

The table below shows that how far this facility has been taken advantage of by the tenants:

Settlement of arrears of rent

Particulars	No. of cases (000)	Per- cent- age.	Amount in- volved (Rs. in lakhs)	Per- cent- age.	Average amount per acre (Rs.)
1	2	3	4	5	6
Cases outstanding on 1-4-1964	147.4	100.00	668.1	100.00	453
Cases settled through:					
1. Land Tribunal	1.9	1.3	5.8	0.8	301
2. Civil Court	1.3	0.9	14.1	2.1	1054
3. Direct negotiation	1.5	1.0	4.9	0.7	302
Total	4.7	3.2	24.3	3.6	516
Cases pending:					
1. with Land Tribunal	14.7	9.9	57.5	8.6	392
2. With civil court	4.9	3.4	37.3	5.6	557
3. Direct negotiation	18.6	12.6	375.1	56.1	2015
Total	38.2	25.9	469.9	70.3	1230
Cases on which no action has been taken	104.5	70.9	173.9	26.1	166

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

The above table reveals the fact that no action has been taken in the case of 70.9 per cent. Cases pending constitute 25.9 per cent while cases settled account only 3.2 per cent. This dismal state of

affairs shows that the tenants have not taken advantage of this provision to the fullest extent.

Realising the fact that the provisions of the Kerala Land Reforms Act, 1963, failed to give maximum benefits to the kudikidappukars and actual cultivators of land, and taking into account the actual difficulties in implementation of the Act, the Kerala Government has introduced yet another revolutionary Bill which is termed as the Kerala Land Reforms (Amendment) Bill, 1969, with the following main objectives, namely, (i) to grant more benefits to tenants and Kudikidappukars, (ii) to include certain classes of cultivators who do not fall within the category of deemed tenants, (iii) to providing for the compulsory vesting of the rights of the landlords and other intermediaries with the government on a date to be notified by the government and (iv) for assignment of those rights to the cultivating tenants and to provide for the constitution of a new fund of not less than ten million rupees called the Kudikidappukars' Benefit Fund.

The provisions of the new amendment will come into force on 1st January 1970. In order to expedite the implementation of the provisions of this Bill, Land Tribunals are established in each and every taluk in the State. There is even a proposal to establish Village Commissions for the speedy implementation of the provisions of this Bill. This shows the present government's readiness to implement the provisions of the Bill at the earliest possible and it is hoped that within six months all the provisions of this Bill will be effectively implemented.

CHAPTER - VII

ECONOMIC EFFECTS OF LAND REFORMS IN KERALA

- PART I

Tenancy is a feature of the land tenure systems in many under-developed countries. The proportion of tenants to the number of farmers varies widely from one country to another.

Tenancy is not in itself an unsatisfactory form of tenure where rents are not excessive and where security of tenure is safeguarded by legislation. But these conditions are lacking in underdeveloped countries, where tenancy system is characterised by exorbitant rent charges and lack of security of tenure.

A defective tenure system is a powerful obstacle to economic development because in such case the tenants have little incentive to increase his output, since a large share of any such increase will accrue to the land owner, who had incurred no part of its cost. Further, the high share of the produce taken by the land owner may leave the peasant with a bare subsistence minimum with no margin for investment. In order to mitigate this evil and to facilitate ownership tenancy legislations have been undertaken in Kerala from a very early period. But a study of the earlier legislations shows that they have been mainly confined to the definition of tenant rights. As time passed and conditions changed, these legislations were modified by inserting provisions like abolition of intermediaries, fair rent, security

of tenure and allied problems. Recently they began to focus attention on the establishment of peasant proprietors with a ceiling on holdings.

The task of ~~see~~ arriving at any trustworthy quantitative estimates of economic effects of the tenancy reforms is extremely difficult. This is because the influence of many other programmes are hidden and well-nigh impossible to measure. But even those which are visible and can be stated in precise terms, the incidence of benefits and burdens are hard to trace. Further, it would be hard enough to trace the whole line of economic causation enunciated by the reform measures. Moreover, agriculture as a biological industry is subject to weather conditions which constantly modify and frequently transcend the production ~~and~~ pattern of agriculture. Another difficulty in making any precise appraisal at the present time of the effects of the reform measures which had not yet time to work themselves out fully or which were diverted or supplemented by the entrants of other forces under the planned development programme. However, an effort is made to appraise at least tentatively the economic effects of these reform measures.

Our enquiry regarding the effects of tenancy legislations in Kerala will be mainly based on the following points, namely, (a) whether they have contributed towards a better social and cultural life, (b) whether they have helped capital formation, and (c) whether they have led to the adoption of improved agricultural practices. The enquiry on these aspects are limited to the above parameters only because of the complexities involved in the direct method of assessing

productivity.

Set out on these lines it is necessary to determine what was the position before and after the tenancy legislation. By comparing this we can get some idea of the forces that led the people of Kerala to the present situation and those which will be at work in future. By this we will be in a better position to appreciate the economic forces that were released by the tenancy reform measures.

Prior to these reforms the village was organised around two institutions, the family with its dependants and the caste. Every man was born into a certain status in society and family. The family, whether matriarchal or patriarchal, was composed of three or more generations living together and augmented by other relatives, who though not forming the part of the household, shared the family budget and the whole course of his life was determined by such status. In short, status, custom, religion, family, locality and birth determined a man's means of livelihood, his place of abode or his activities. Consequently, these institutions and the pattern of family relationships or social rankings necessarily influenced the economic activity.

This social structure has operated against economic development mainly in two ways: first by sustaining a range of rigidities to the free flow of men and resources obstructing the full exploitation of productive techniques and second, by focussing the efforts and aspirations of men in greater measure on goals and values other than those of increasing material welfare.

Till the beginning of the 20th century the Jemias (being the high caste) dominated over the entire people; every class and society being tied to land as a semi-self labourer or as tenant, most of them not allowed to leave their traditional occupation and land.

Our interest here is the economic drag, the rigidities and resistances to economic development in this heritage - both as significant to our future, and as an illustration of the ways in which social structure pervasively and persistently shapes economic activity.

The dawn of 20th century smashed this social order to a limited extent. This was accelerated during the middle half of the 20th century. Today, neither status nor custom, religion nor family, locality nor ~~place~~ birth determines a man's means of livelihood, his place of abode or his activities. Today nobody is tied to land, anybody can leave his or her traditional occupation and land at any time; land can be bought and sold at the will and pleasure of any man as any other commodity. This is a revolutionary change indeed. The tenancy legislations which were undertaken in the State were mainly responsible in bringing about this radical change by eradicating the feudal vestiges and freeing the agricultural sector from the medieval latifundia type of farming.

The immediate effect of the tenancy reform was the improvement of the status of the tenants. Compensation to the tenants for improvements made by them on the landlord's property, the restrictions placed upon the landlord on his power to evict the tenants gave greater security to the tenants. According to H. V. Conolly this legislation

(compensation in case of eviction) was enough for improving the condition of the tenants.¹

In Travancore the early measures undertaken by the enlightened Raja to do away with the tenurial uncertainties had a salutary effect in the expansion of cultivation. The security offered in the State attracted foreign capital and gave an inroad to a growing scope of commercial investment. Consequently plantations developed in Travancore. The opening up of plantations resulted in the utilisation of almost the whole of the arable areas in the highland region of Travancore. The flow of foreign capital into plantations opened up new opportunities for agricultural and non-agricultural economic expansion.

Again, these tenancy reforms resulted in the reclamation of the swampy areas around the Vembanad backwaters for the cultivation of rice. Further, it resulted in the development of kole cultivation in Cochin and Malabar and the backwater cultivation of Kuttanad. In Malabar these legislations resulted in a rush to reclaim the waste lands and brought it under the plough. Consequently much of the waste lands in Malabar were turned into plantations/ gardens which in recent years turned to be one of the most important sectors of Kerala's economy.

The tenancy legislations with its emphasis on tenant security and regulation of rent coupled with the increase in trade in agricultural produce and the rise in agricultural prices in the latter half

1. H. V. Conolly to T. Pycroft, Correspondence on Moplah outbreaks of Malabar, 1933-39.

of the 19th century increased the value of land steadily. By the wake of the 20th century land became a valuable security against which anybody could advance loans. This can be seen from the Report of the Travancore-Cochin Banking Enquiry Commission of 1956. The Commission stated that out of the total advances made by the banks incorporated in the State in 1955, 26.9 per cent was granted against real estates. Since land became a valuable commodity against which loans can be granted the banking companies developed in the State. The number of banking, loan and insurance companies went up from 38 in 1922-23 to 163 in 1948-49.²

In Cochin also there was a rapid growth of banks and financial institutions during this period. But Malabar lagged behind in this respect because tenancy reforms were undertaken only at a later period. At present the number of these institutions in the State more than doubled.

The tenancy reforms had a profound effect on the economic status of the landlords. Prior to these reforms they were owners of huge landed properties which were cultivated by their tenants. After the reform measures were introduced their ownership was placed on the same footing as that of the occupants. Land cultivated through tenants became property of the tenants and the landlords were given only limited area of land for self cultivation. They were made liable to full

2. The figures relate to statistics of Travancore for the respective years published by the Government of Travancore.

assessment. The stipulation that land must be self-cultivated meant that they were required to take personal interest in cultivation something which was quite alien to the landlords. Their attitude towards land was thus forced to change.

Further the tenancy reforms strengthened the position of the tenants. Formerly they were forced to pay a series of tributes to the feudal landlords. The money value of these exactions might have been small but their nuisance value was still greater and there can be no doubt about the fact that all tenants benefited from the removal of this extra payment.

Above all, the tenancy acts stopped the eviction of old tenants for the creation of new ones with enhanced rates of rent, the forcing of old tenants themselves to pay higher rents on pain of being evicted. Further, the conferring of absolute ownership rights on kudiki-dappukars came as a striking blow to the feudal landlords.

The basic tax system of assessment, as introduced in the whole state of Kerala in recent years, has ultimately removed the tenure disparities arising from the different modes of land revenue assessment and generally helped the cultivators.

On the social side, the reform has narrowed the traditional class distinctions in the village. One does not have to be an economic determinist to appreciate the fact that when the landlords lost much of their affluence they also lost much of their influence. It would be a mistake, however, to assume that their place in rural society is completely undermined. What is taking place is now the sharing of power between the old and new leadership.

CHAPTER - VIII

ECONOMIC EFFECTS OF LAND REFORMS IN KERALA

- PART II

In the last chapter we have discussed at length the economic effects of the earlier reform measures. Here we propose to discuss certain aspects of the economic impact of the Kerala Land Reforms Act 1963, viz. capital formation and improved agricultural practices.

The table given on the next page which shows the average cost of permanent improvements per acre validates the widespread belief that an effective tenure system which assures stability of tenure and equitable rental arrangements will give the tenant the necessary incentive to invest more in his farm and thus help contribute substantially in increasing production.

From the table it can be seen that between the years 1964-66 some of the lands subjected to the influence of the Kerala Land Reforms Act of 1963 have been brought under certain permanent improvements, planting of perennial trees and construction of farm as well as residential houses. The area of land resumed on which improvements have been made was rather small. The improvements made on such lands amounted to about Rs.185 per acre. A major part of this cost was incurred for providing irrigation facilities and land development.

The cost of improvements made on lands of which ownership has

been purchased by tenants came to Rs.447 per acre. The extent of land so improved was 42 per cent of all such lands. The interests of the new owners turned towards putting up some residential structures and planting of perennial trees.

The assurance of fixity of tenure provided by the law has brought about sizable capital formation in agriculture. The lands so developed formed 12 per cent of the total land for which fixity of tenure was obtained. The improvements brought on land by the tenants during the years 1964-66 on an average amounted to Rs.349 per acre.

Percentage expenditure on different items.

Type of land	Area improved (in 100 acres)	Average cost of permanent improve- ment per acre (Rs.)	Irrigation faci- lities (Rs.)	Land development (Rs.)	Planting of pe- rennial trees.	Construction of farm houses	Construction of residential houses	Others
1	2	3	4	5	6	7	8	9
1. Land resumed	0.3 (11%)	185	27	46	..	..	..	27
2. Ownership purchased by tenants	4.3 (42%)	447	..	..	10	..	90	*
3. Fixity of tenure ob- tained	212.5 (12%)	349	8	16	12	*	64	*

* Insignificant

Sources: Bureau of Economics & Statistics, Trivandrum, 1966.

Just as in the case of lands of which ownership rights have been

purchased the bulk of the expenditure was directed towards raising residential houses. There has been overall development of the land since the tenants improved the irrigation facilities, bunding and terracing of land and planting perennial trees.

Evidently, those lands which were either purchased by the tenants or those for which fixity of tenure was obtained have been better developed than those resumed.

Improved Agricultural Practices

The condition relating to adoption of improved agricultural practices on land are given in the following table:

Adoption of improved agricultural practices

Type of land	Total area (000 acres)	Percentage acreage.							
		<u>Improved seeds</u>		<u>Fertilisers</u>		<u>Pesticides</u>		<u>Improved implements</u>	
		Intensified	Started afresh	Started afresh	Intensified	Started afresh	Intensified	Started afresh	Intensified
1	2	3	4	5	6	7	8	9	10
1. Land resumed	2.5	..	..	..	7	..	..	..	..
2. Ownership purchased	10.2	..	15	10	..	8	..	..	..
3. Fixity of tenure obtained	1809.0	3	13	8	4	3	3	3	..

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

The effect of the Land Reforms Act of 1963 on agricultural practices has been very little in respect of the lands resumed. But in the case of lands purchased by tenants and of lands for which fixity of tenure has been obtained, the position is definitely better. About 22 per cent of such lands came under the use of fertilizers, 14 per cent under the use of pesticides and 31 per cent under improved seeds since 1964. The area under improved agricultural implements constitute only 1 per cent.

Land above ceiling

The Kerala Land Reforms Act, 1963, laid down certain upper limits to the land in the possession of a family. The ceiling for a family consisting of not more than 5 members, is 12 standard acres. A family consisting of more than 5 members, the 12 standard acres will be increased by one standard acre for each member in excess of five. The total extent of the area under a family, however, is not to exceed 20 standard (36 ordinary) acres.¹

Every adult unmarried person who includes a divorced husband or a divorced wife is also eligible for 12 standard acres. Apparently, whereas the ceiling is limited to the family of every married couple and their children and to every adult unmarried person, there is no overall ceiling placed on the landed property of a household. A household can possess any extent of land according to the number of

1. The Kerala Land Reforms (Amendment) Act, 1969, reduced the maximum limit to 20 ordinary acres.

family units of adult unmarried persons, the only limitation being separate ceiling placed on each.

From the following tables it can be seen that out of 28.25 lakh operational holdings in the State households having land above 15 acres are only 0.25 lakhs (nearly one per cent). Above 83 per cent of these households, though they possess holdings of 15 acres and above, do not have any excess land under the provision of family units (i.e., the number of married couples and adult unmarried persons). Again, 24 per cent of the households have got the benefit of exemption on account of plantations, private forests and cashew, pepper and Arecanut estates.

The total number of holdings with excess land in the State comes to 4,249. This forms about 0.2 per cent of the total operational holdings. As against 236.9 thousand acres possessed by them, 11.9 thousand acres are exempted. The balance of 225.0 thousand acres (144.5 thousand standard acres) comes under the purview of the provision regarding ceiling. With 5,647 family units and 3,060 additional members the area permissible for the 4,249 households is 70.8 thousand acres. The balance of 73.7 thousand standard acres (114.8 ordinary acres) constitute the excess land available in the State.

Estimate of excess land above ceiling

Districts	Number of house-holds/holdings with excess land	Number of family units.	Additional members.	Area possessed ('000 acres)							Standard acres per-missible.	Excess land in standard acres.
				Total area	Exempted area.	Ordinary acres.	Standard acres	8	9	10		
1	2	3	4	5	6	7	8	9	10			
S t a t e	4249	5647	3060	236.9	11.9	225.0	144.5	70.8	73.7			
Trivandrum	..	..	..	..	..	..	..	..	..
Quilon	..	..	....	..	..	..	..	..	..
Alleppey	100	300	..	9.5	..	9.5	5.1	3.6	1.5			
Kottayam	1130	1130	1130	43.5	..	43.5	22.2	14.7	7.5			
Ernakulam	687	687	1374	11.5	..	11.5	11.0	9.6	1.4			
Trichur	..	..	..	..	..	..	..	..	..
Palghat	695	695	556	31.3	31.2	30.1	21.3	6.9	12.4			
Kozhikode	635	831	..	31.7	..	31.7	40.8	10.0	30.8			
Cananore	1002	2004	..	109.4	10.7	98.7	44.1	24.0	20.1			

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

Households with no excess land above ceiling limits

Districts.	Households with no excess land										
	Households with above 15 acres		Area possessed (in 000 acres)								Not exempted area
	Nos.	Area ('000 acres)	No. of house-holds/holdings.	Number of family units	Additional members	Total area	Exempted area	Ordinary acres	Standard acres	Standard acres per household	
1	2	3	4	5	6	7	8	9	10	11	
State	25437	820.8	21188	67487	8313	583.9	141.2	442.7	266.4	789.7	
Trivandrum	126	3.1	126	252	..	3.1	0.3	2.8	1.5	3.0	
Quilon	212	4.8	212	636	..	4.8	1.5	3.3	3.0	7.6	
Alleppey	982	55.6	882	3128	..	46.1	7.3	38.8	16.9	37.5	
Kottayam	6824	211.1	5694	15811	4579	167.6	63.1	102.5	64.1	194.3	
Ernakulam	1700	38.4	1013	6637	815	26.9	5.6	21.3	12.7	80.5	
Trichur	4436	115.5	4436	15846	996	115.5	13.7	101.8	58.1	194.6	
Palghat	3046	88.5	2351	8388	695	57.2	23.3	33.9	22.2	69.15	
Kozhikode	2148	65.5	1513	3802	..	33.8	..	33.8	28.3	45.6	
Canamnore	5963	238.3	4961	12987	1228	128.9	24.4	104.5	59.6	157.1	

Source: Bureau of Economics & Statistics, Trivandrum, 1966.

It can be seen that 42 per cent of the surplus land is in Kozhikode district and as much as 86 per cent in the Malabar region. Kottayam district account for 10 per cent. The rest is shared almost equally by Alleppey and Ernakulam districts. Trivandrum, Quilon and Trichur do not have any excess land.

Between the households having no excess land and those having excess land, there is a striking difference with regard to the number of family units. The households with no excess land have on an average 3.2 family units per household as against 1.3 for the households with excess land. The average area per family unit has been 3.95 standard acres (6.56 ordinary acres) for the former and 25.59 standard acres (39.84 ordinary acres) for the latter. This is without taking into consideration the number of additional members in the household who are eligible for one acre of land each. On an average the households without excess land have 34.01 standard acres (52.59 ordinary acres). The availability of excess land would have been still less had it not been for the smaller number of family units in the households with surplus land.

The effect of tenancy reforms, limited as it is, lies in the fact that it has certainly led to a considerable curbing of feudal and semi-feudal exploitation of the peasantry. We cannot but concur with Jagjit Singh Lyall Puri's statement in his report on the progress of land reforms in India submitted to the Trichur Silver Jubilee Session of the All India Kisan Sabha 1961 that these legislations have considerably curbed the power of the old type of feudal oppression of

peasants.²

On the whole, it can be said that the economic condition of the cultivators is definitely improving during the post reform period. But in a State largely inhabited by small cultivators the effect of any single measure are apt to be so dispersed that they can be discerned with difficulty. But the cumulative effect of the measures of the last 30 years cannot be ignored. It is hoped that when the Kerala Land Reforms (Amendment) Act, 1969, which came into force on 1st January 1970 is fully implemented, all the intermediaries between the State and the tiller will go (on 1st January 1970, ~~and~~ all the rights of such intermediaries are vested in the State by virtue of Sec.72 of the said Act) and all the benefits attributed to the reform measures will accrue to the tiller of the soil.

2. 18th Session of the All India Kisan Sabha, 1961, New Delhi, pp.37-38.

SELECTED BIBLIOGRAPHY

1. Baden-Powell, Land Systems in British India in Three Volumes, Clarendon Press, Oxford, 1892.
2. Buchanan, F., Journey Through Mysore, Malabar and Canara, Vol.II 1807.
3. Thorner, Daniel, Agrarian Prospect, Delhi, University of Delhi Press, 1956.
4. Burns, Technological Possibilities of Agricultural Development, Lahore, 1944.
5. Dawson, Owen L. "Agricultural Reconstruction in China", Foreign Agriculture, June, 1943.
6. Hammond, J.L. and Hammond, Barbara. The Village Labour 1760-1832, Longmans, Green & Co., Ltd., 1927.
7. Black, John D. Agricultural Price Policy and Economic Development. Agricultural Situation in India, Nov. 1964.
8. Jonson and Barlowe. Land - Problems and Policies, McGraw Hill Book Co., Inc., 1954.
9. Joseph, S.C. Food Policy and Economic Development in India, Allied Publishers, Private, Ltd., 1961.
10. Krishna Rao, B. Size of Agricultural Credit Societies, Madras University, 1964.
11. Khuro, A.M. Socio-Economic Effects of Jagirdari Abolition and Land Reforms in Hyderabad, Osmania University, Hyderabad, 1958.
12. Lewis, W.A. The Theory of Economic Growth, Allen & Unwin, London, 1955.
13. Ladejinsky, W.I. The Food Supply of India, Foreign Agriculture, VI, July, 1942.
14. Mikhailov, Nicholas. "Land of the Soviets", A Hand-Book of the U.S.S.R., New York, Len Furman, Inc., 1939.

15. Misra. Land Revenue Policy in United Provinces under the British Rule, Banares, Nand Kishore, 1942.
16. Myrdal, Gunnar. Economic Theory and Underdeveloped Regions University Paperbacks, Methuen, London, 1959.
17. Padmanabha Menon, K.P. History of Kerala. Vol.I, Cochin Government Press, Ernakulam, 1924, and Vol.II, 1929.
18. Page, W.H. Rebuilding Old Commonwealth, Doubleday Doran & Co., Inc., 1926.
19. Raup, R.M. The Contribution of Land Reforms to Agricultural Development: An Analytical Frame-work, Paper prepared for an SSRC Conference on Relations between Agriculture and Economic Growth, Stanford, November, 1960.
20. Maris, Paul V. Farm Tenancy, Year Book of Agriculture, Washington D.C., 1940.
21. Dutt, Romash. India in the Victorian Age, Kegan Paul, Trench, Trubner & Co., Ltd., London, 1908.
22. Shorey, Paterson. Economics, New York, Henry Holt & Co., 1949.
23. Seedorf, J.J.W. "Human Labour in German Farms", Proceedings of Second International Conference of Agricultural Economists, Menasha, Wis: Gerge Banta Publishing Co., 1930.
24. Singh, Tarlok. Poverty and Social Change, Longman, Green & Co., Ltd., 1945.
25. Gee, Wilson. The Social Economics of Agriculture, Third Edition Macmillan Co., New York, 1954.
26. Agrarian Question in India, Peoples Publishing House, Bombay, 1956.
27. Indian Land Systems and Land Reforms, Peoples Publishing House, 1956.

REPORTS AND DOCUMENTS

1. Bradley. Report on the Working of the Madras Act I of 1887.
2. Conolly, H.V. to Pycroft, T. Correspondence on Moplah Outbreaks of Malabar, 1853-59.
3. Logan, W. Malabar District Manual in Three Volumes, Government Press, Madras, 1951.
4. Strange. Report to T. Pycroft regarding the relation of Landlord and Tenants in Malabar, 1852-56, 25th September, 1852.
5. Thampi, A.N. An Enquiry into the Sub-division and Fragmentation of Land holdings in Travancore, 1941.
6. Padmanabha Iyer, Final Report of the Revenue Settlement in Travancore.
7. Narayana Pillai, P.K. Kerala Studies, Trivandrum, 1955.
8. Velu Pillai, T.K. Travancore State Manual, Vol.III, Government Press, 1915.
9. Sridhara Menon. Kerala District Gazetteer - Kozhikode, Government of Kerala, 1962.
10. Warden. The Report on the Land Tenures in Malabar sent to the President and Members of the Board of Revenue, Fort St. George, 1855.
11. Thakeray, William. Report to the Board of Revenue, 4th August, 1807.
12. Land Reforms. Defects in Agrarian Structure as obstacles to Economic Development, U.N. Department of Economic Affairs, New York, 1951.
13. Progress in Land Reforms. U.N. Department of Economic Affairs, New York, 1956.
14. The Consolidation of Fragmented Holdings, F.A.O., Washington, U.S.A., September, 1950.
15. Techno-Economic Survey of Kerala, NCAER, December, 1962.
16. The Kerala District Gazetteer, Trichur, Government of Kerala, 1962.

17. Reports of the Committees of the Panel on Land Reforms, Government of India, Planning Commission, 1959.
18. Major Walker. Fifth Report referring to Malabar.
19. Report of the Agrarian Problems Enquiry Committee, Cochin, Ernakulam, 1949.
20. The Travancore Jenmi-Kudiyar Committee Report, Trivandrum, 1916.
21. Report of Landlord and Tenant Commission, Cochin, 1909.
22. Malabar Tenancy Enquiry Committee Report, 1940.
23. Congress Agrarian Reforms Committee Report, Madras, 1949.
24. Royal Commission Report on Agriculture, Government of India, 1928.
25. Agricultural Labour Enquiry Committee Report, Government of India, Ministry of Labour, 1948.
26. Report of the Delegation to China on Agrarian Co-operatives, Government of India, 1957.
27. Report of the Land Policy Committee, Travancore-Cochin, 1949.
28. Indian Year Book, 1963, Government of India Publications Division.
29. Draft Outline of the First Five Year Plan, Government of India, Planning Commission, 1951.
30. Second Five Year Plan, Government of India, Planning Commission, 1956.
31. Third Five Year Plan, Government of India, Planning Commission, 1961.
32. Census of India, Government of India, 1961.
33. Bureau of Economic Studies, Agricultural Credit Survey, Government of Kerala, 1960.
34. Summary of the Report of the All-India Rural Credit Survey, Vol. II, 1955.
35. Zamindari Abolition Committee Report.
36. Sreedhara Menon. Kerala District Gazetteer, Ernakulam, Trivandrum, 1965.

37. Nagam Aiya, V. Manual of Travancore (3 volumes), Trivandrum, 1906.
38. Memorandum discussing the agricultural conditions in Cochin State and indicating the general lines on which improvement of agriculture should proceed, Government of Cochin, 1909.
39. The Cochin Land Revenue Manual, Government of Cochin, 1930.
40. Krishna Menon, E. (Compiled) The Cochin Devaswom Manual, Government of Cochin, 1938.
41. Report of the Travancore-Cochin Banking Enquiry Commission, Government of India, 1956.
42. Plantation Enquiry Commission Report, Government of India, 1956.
43. Reply of Governor-General in Council to the Malabar Joint Commissioner's Reports, with Letters of Instructions from the Bombay Government, 1794, 1879, Government of Madras.
44. Walker, A. Report on the Revenue Systems of Malabar and Canara, Government of Madras, 1807.
45. Warden, T. Report on the Land Assessment in Malabar, Government of Madras, 1815.
46. Warden, T. Report on the Revenue System of Malabar, Government of Madras, 1813.
47. Warden, T. Report on the Land Tenures of Malabar, Government of Madras, 1815.
48. Logan, W. Malabar Special Commissioner's Report on Malabar Land Tenures, Government of Madras, 1882.
49. Report with Appendices of the Malabar Land Tenures Committee of 1885, Government of Madras, 1885.
50. Moberly, M. The Report of the Settlement of the Malabar District, Government of Madras, 1900.
51. Raman Thampi. Jenmi-Kudiyam Committee Report, Government of Travancore, 1916.
52. The Travancore Devaswom Handbook, Government of Travancore, 1916.

53. Mahadeva Iyer. Land Revenue Manuals of Travancore, Government of Travancore, 1915.
54. Travancore Banking Enquiry Committee Report, Government of Travancore, 1930.

JOURNALS AND OTHER PUBLICATIONS

1. Indian Journal of Agricultural Economics.
2. Review of International Cooperation, April 1952.
3. Agricultural Situation in India, November 1964.
4. Economic Weekly.

ARTICLES

1. Land Reforms in India - Congress Brand, E.M.S. Namboodiripad, New Age, June, 1954.
2. Agrarian Problems of Kerala, New Age, Oct. 1957.
3. The Basic approach to Land Reforms by Dantawala, M.L., The Indian Journal of Agricultural Economics, March, 1953.
4. A Critical ~~Re~~ View of Land Reform Legislations since 1945 by Srinivasan, N., The Indian Journal of Agricultural Economics, March, 1953.
5. Effectiveness of provisions in the Tenancy Legislation for Security of Tenure, by Balasubramaniam, The Indian Journal of Agricultural Economics, April-June, 1957.
6. Ceiling on Land Holdings in India by Subramaniam, J.P., The Indian Journal of Agricultural Economics, April-June, 1957.
7. A Ceiling on Agricultural Holding by Gadgil, D.R., Indian Journal of Agricultural Economics, Oct.-Dec. 1959

8. Agricultural Income Distribution - A Study of Kerala by Oomar, M.A., The Indian Journal of Agricultural Economics, Jan.-Mar. 1961.

ACTS AND PROCLAMATIONS

1. The Royal Edict of 1829 (Travancore)
2. The Patton Proclamation of 1865 (Travancore)
3. The Jenmi-Kudiyan Proclamation of August 1867 (Travancore)
4. The Proclamation of 1886 (Travancore)
5. Royal Proclamation of 1922 (Travancore)
6. Royal Proclamation of 1910 (Travancore)
7. The Travancore Prevention of Eviction Act, 1949.
8. The Royal Writ of 1863 (Cochin)
9. The Tenancy Act of 1914 (Cochin)
10. The Land Revenue Settlement of 1899-1905 (Cochin)
11. Devaswom Proclamation of 1909 (Cochin)
12. The Cochin Tenancy Act of 1914.
13. The Proclamation of 1937 (Cochin)
14. The Proclamation of 1947 (Cochin)
15. The Proclamation of 1949 (Cochin)
16. The Cochin Verumpattomdars Act, 1943.
17. The Cochin Verumpattomdars (Amendment) Act, 1944.
18. The Devaswom Verumpattom Settlement, 1943.
19. The Cochin Verumpattomdars Act, 1943.
20. Travancore-Cochin Kandukrishi Proclamation of 1948.

21. Travancore Stay of Eviction Proceedings Act, 1950.
22. The Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1953.
23. The Verumpattomdars (Amendment) Act of 1954.
24. The Travancore-Cochin Land Tax Act, 1955.
25. The Kanam Tenancy Act of 1955.
26. The Edavagai Rights Acquisition Act, 1955.
27. The Travancore-Cochin Compensation for Tenants Improvements Act, 1956.
28. The Malabar Compensation for Tenants' Improvement Act, 1887.
29. The Act I of 1900.
30. The Malabar Tenancy Act of 1930.
31. The Malabar Tenancy (Amendment) Act of 1945, 1951, and 1954.
32. The Madras Cultivating Tenants (Payment of Fair Rent) Act 1956.
33. The Kerala Stay of Eviction Proceedings Act, 1957.
34. The Kerala Land Tax Act, 1957.
35. The Kerala Agrarian Relations Bill, 1957.
36. The ~~Kerala~~ Jermikaram Payment Abolition Bill.
37. The Kerala Conservancy Act.
38. The Kerala Relinquishment Act.
39. The Kerala Agriculturists Debt Relief Act, 1958.
40. The Kerala Agrarian Reforms Act, 1960.
41. The Kerala Ryotwari Tenants and Kudikidappukars Protection Act, 1962.
42. The Kerala Tenants and Kudikidappukars Protection Act, 1963.
43. The Kerala Land Reforms Act, 1963.
44. The Kerala Land Reforms (Amendment) Act, 1968.

ABSTRACT OF THE THESIS

The thesis "Economic effects of Land Reforms in Kerala" discusses one of the most important economic policy issues currently facing the state of Kerala. It gives a diagnosis of the maladies accompanied by an assessment of the achievement under the prevailing land reform measures. It examines among other things the system of tenures in Kerala before the introduction of land reforms, early efforts at land reforms, salient features of land reforms, tenancy reforms and their effects, regulation of rent and security of tenure, ceiling on agricultural holdings, extent of implementation of the provisions of land reform measures and investment and improvements as a result of land reform measures. The area covered is the experience of the past fourteen decades of reform measures in Kerala.

For purposes of analysis, the thesis is divided into eight chapters. They are Tenure Systems of Kerala, Early efforts at Land Reforms in Kerala, Salient features of Land Reforms as embodied in the Land Reform Legislations in Kerala, Land Reforms in Kerala in the Perspective of National Land Reform Policy, Implementation of early Land Reform Measures and Economic effects of Land Reforms in Kerala, in order of precedence. The first four chapters provided a sort of introduction to the main body of the thesis and provide the historical background to the land reform measures undertaken in

Kerala.

In the introductory part of the thesis the reader will come across with the fact that landlordism is the greatest curse that any country can grow under; that it is utterly incompatible with freedom; that it takes away the chief incentives to industry and thrift; that it creates poverty and pauperism and checks all real progress in material prosperity. It can further be realised that the landlords have made little contribution to the development of the land in the past; they did not consider it necessary as they could obtain considerable income by letting the land to tenants on extortionate rent. Whatever investment were made went to the acquisition of land and not towards providing facilities for increased production or improvement of the condition of the cultivators.

The historical background further reveals that the traditional origin of ownership in land in Kerala was entangled in myths and mysteries. The Brahmanic histories make out that the land all belonged originally to the Brahmins. They maintain that Kerala was miraculously reclaimed from the Sea by Parasurama, one of the incarnations of Vishnu. This theory was accepted by the Madras High Court and the Courts of Travancore.

There existed a variety of land tenure arrangements in Kerala. The main among them are Pandaravaka, Sircar Devaswom vaka, Sree Pandara vaka, Sree Padom vaka, Kandukrishni vaka, Ooramma Devaswom vaka, Brahmaswom vaka, Madampimar vaka, Karamozhivu, Puravaka, Jenmom, Kanam, Kuzhikanam, Kuzhikana Pattom, Pattom, Panayam,

Karamma, Pankuvaram or crop-sharing, Chalgeni, Mulgeni and Vayudageni.

Eminent authorities like Logan and Baden-Powell were of opinion that the British civil servants completely misunderstood the customary land relations in vogue for centuries. They tried to introduce British ideas and concepts of land rights into the region, and started interpreting and enforcing those alien ideas through their judicial machinery. The Jenmi was considered as the possessor of Roman Dominium and all other groups connected with land and agriculture were pushed down to the position of tenants. The Kanamdars were considered as mere mortgagees, and Kuzhikanamdars and Verumpattomdars as tenants-at-will, all of whom could be evicted at the will and pleasure of the Jenmi. Thus the Britishers had done great injustice to the cultivators of Kerala, especially Malabar.

Chapter second deals with early efforts at Land Reforms in Kerala. Here we have stated that a satisfactory system of tenure is the essential basis of an efficient agricultural industry. But the tenure systems of Kerala were oppressive and regressive. This was partly due to the faulty definitions of the local tenures by the British and partly due to the development of absenteeism in land holding. The British by faulty definitions reduced the superior tenures like Kanam and of cognate tenures almost to the level of actual mortgages and Verumpattom to mere year to year tenancy. Consequently, the system began to show implications of tyranny, by a hierarchy of authority, freezing the individual into a caste system which he had been unable to challenge. Subsequently we see that the producers

of the most basic and essential commodities and utilities needed by society at all times and in all ages for its very existence, and all other basic production and happiness, have had to be content with the lowest standard of living and the poorest social amenities in this age of inventions, machines, atomic energies and nuclear researches.

As time passed, the enlightened rulers of the State began to hold the view that the State must assure to the individual a portion of the benefits accruing from a thriving husbandry and also satisfy the basic needs of the weaker elements of the population. It was further realised that it was on the contentment of the agricultural classes, who form the great bulk of the population, that the security of the Government mainly depended. It was on their prosperity that the prosperity of the State depended. This led to the enactment of land reform legislations in Kerala.

In chapter third, it has been stated that the central feature of the land policy which is sought to be initiated is the increasing identification of ownership with management and operation so that in the end only those interested in the direct working of land would remain in the field. The elimination of intermediaries, who enjoyed a substantial share of the produce without performing corresponding services, was only the first step. The second, and no less important step, was the provision of facilities for the progressive merging of the remaining interests in a manner which would ultimately leave only two interests, the State and the

cultivator. These objectives were sought to be achieved by placing a limit on future acquisition of land so that concentration of land and the revival of the rentier class would be prevented, conferring on special classes of tenants the right to acquire superior interests, restricting letting and sub-letting of land except under special conditions, prescribing fair rent, prohibiting ejectment except under special conditions, restricting transfers and mortgages, etc. It is hoped that the restrictions on sub-letting combined with limits on future acquisition of land, would encourage self-cultivation and will lead to the gradual disappearance of tenancy.

The Royal Edict of 1829, the Patton Proclamation of 1865, the Jenmi-Kudiyar Proclamation of 1867, the Royal Proclamation of 1886, 1910 and 1922, Prevention of Eviction Act, 1949 (all Travancore); the Royal writ of 1863, the Land Revenue Settlement of 1899-1905, the Devaswom Proclamation of 1909, the Tenancy Act of 1914, the Proclamation of 1937, the Verumpattomdars Act of 1943, the Devaswom Verumpattom Settlement of 1943, the Verumpattomdars Act of 1943, the Verumpattomdars (Amendment) Act of 1944, the Proclamation of 1947 and of 1949 (all Cochin); Kandukrishni Proclamation of 1948, Stay of Eviction Proceedings Act of 1950, Prevention of Eviction of Kudikidappukars Act of 1953, the Verumpattomdars Act of 1954, the Land Tax Act of 1955, Edavagai Rights Acquisition Act of 1955, Compensation for Tenants Improvements Act of 1956 (all Travancore-Cochin); the Malabar Compensation for Tenants Improvements Act of 1887, the Act 1 of 1900, the Malabar Tenancy

Act of 1930, the Malabar Tenancy (Amendment) Act of 1945, 1951 and 1954, the Madras Cultivating Tenants (Payment of Fair Rent) Act of 1956, the ~~Madras~~ Kerala Land Tax Act of 1957, the Kerala Agrarian Relations Bill of 1957, the Jemmikaram Payment Abolition Bill, Conservancy Act, Agriculturist Debt Relief Act of 1958, the Kerala Agrarian Reforms Act 1960, Ryotwari Tenants and Kudikidappukars Protection Act of 1962, the Tenants and Kudikidappukars Protection Act of 1963, the Kerala Land Reforms Act of 1963, Kerala Land Reforms (Amendment) Act 1968 are milestones in the way of achieving the objectives of land reform measures in Kerala.

In chapter four, we have discussed Land Reforms in Kerala in the Prespective of National Land Reform Policy.

Here, we have disoussed at length the evolution of National Land Reform Policy. We are of opinion that our National Land Reform Policy mainly emanages from the Directive Principles of State Policy and found expression in the Five Year Plans of India. The Directive Principles state that the State shall strive to promote the welfare of the people by securing and protecting, as effectively as it may, a social order in which justice, social, economic and political, shall inform all the institutions of national life.

Further, it states that the State in particular, ^{shall} direct its policy towards securing ^(a) ~~that~~ ^{to} that the citizens, men and women equally, ~~have~~ the right of an adequate means of livelihood; (b) the ownership and control of the material resources of the community are so distributed as best to subserve the common good; (c) that

the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment.

The Planning Commission fully realised that the class of absentee landlords and rent receivers have become an incubus on the working of the agriculturist population which finds no justification in the performance of any material service, so far as agricultural improvements are concerned, and fails to provide any effective means for the development of the resources of land. Therefore, the Planning Commission recommended the abolition of intermediaries between the State and the tiller, tenancy reforms to reduce rents and give tenants an opportunity to acquire permanent rights over the land by payment of fixed compensation, subject to landlord's right to resume certain area for his personal cultivation, fixation of ceiling on holdings and prevention of further fragmentation and the development of cooperative village management and cooperative farming.

The Kerala Land Reforms Bill, 1957, the Kerala Land Reforms Act, 1960, the Kerala Land Reforms Act, 1963, and the Kerala Land Reforms (Amendment) Act, 1968, contained all (except the development of cooperative village management and cooperative farming) provisions of the National Land Reform Policy guidelines by the Planning Commission.

The main aspect of any land reform programme is its implementation. In the fifth chapter of the thesis we have discussed at length the implementation of our land reform proposals. Our enquiry in this aspect reveals that most of the States were content with mere passing of legislative measures to impose ceiling, to regulate

rents and security of tenure. The cause for this state of affairs was the general ignorance and illiteracy of the tenants, their weak economic position and lack of organisation. In certain cases, the lack of correct and up-to-date land records stand in the way of effective implementation. Again on account of their weak economic position the tenants dare not lodge complaints lest they be deprived of the use of the land. Further, both the landlords and tenants do not let the authorities know of the collection of the rent above the fixed rates and the necessary or unwarranted ejectment in the form of voluntary surrenders. In a State like Kerala where the percentage of literacy is the highest in India, the last mentioned facts are standing on the way of effective implementation of the land reform measures.

Our study in this respect further reveals that the reorganisation of a feudalistic land tenure system must rest on a sound foundation of law and policy. In addition, it must be carefully planned it must have an adequate structure of organisation to carry out the planning. Therefore a large and widespread organisation comprehending many skills and diverse functions, to carry out the work once the legal and planning phases have been achieved must be created. This organisation must be trained and disciplined for the specific functions it is to perform. It is an obvious fact that the democratically oriented tenure reform programme had to utilise the services of many more people than are required in a revolutionary or totalitarian scheme, whose principal objective is simply to turn out one set of

occupiers in favour of another set. Above all, before any work at all could be commenced the Government officials must be made aware of their responsibilities and duties in the land reform programme. If needed, they must be given training and they must be oriented in the general features of the new legislation. Exemplary punishment must be given if an official is found neglecting his duties.

Chapter six is devoted to the discussion of the implementation of the provisions of the Kerala Land Reforms Act 1963 and after.

The Kerala Land Reforms Act 1963 came into force on 1.4.1964. A Land Board with the First Member, Board of Revenue, as the sole member was constituted and fifteen Land Tribunals were set up with effect from the above date for the implementation of the provisions of the Act.

One of the most important objectives of land reform policy is the introduction of measures designed to confer security of tenure on the one hand and regulation of rent on the other.

Section 13 of the Kerala Land Reforms Act confers fixity of tenure on all tenants in respect of their holdings and stipulates that no land from the holdings shall be resumed except as provided in Sections 14 to 22. As such, there is no need to secure an order from any court or the Land Tribunal for securing fixity of tenure.

Our enquiry reveals that 94 per cent of the leased-in-land under all types of tenure got fixity of tenure either through mutual

agreement of the superior right holders and the tenants, or through the sanction (indirect) of the Land Tribunal.

The Land Tribunal has been empowered to determine fair rent. But our study in this matter reveals that fixation of fair rent has been effected only in the case of 2.2 per cent of the leased in plots covering 2.9 per cent of the area leased in. Strangely enough no action has been taken to avail of this important provision of the Act, in the case of 95.8 per cent of the leased in area.

Section 73 of the Kerala Land Reforms Act allows certain concessions to the tenants in discharging arrears of rent. According to this section arrears of rent which have fallen due on or after 15-2-1961 and outstanding at the commencement of the Act (1.4.1964) shall be fully discharged by paying 75 per cent of the arrears of rent within a period of 6 months from the commencement of the Act. But it is a fact that no action has been taken in the case of 70.9 per cent.

In order to expedite the implementation of the provisions of the Land Reform legislations, Land Tribunals are established in each and every taluk in the State at present. There is even a proposal to establish village commissions for the speedy implementation of the provisions of the reform measures. This shows the present Government's readiness to implement provisions of the reform Act at the earliest possible instant. It is now hoped that within six months all the provisions of the reform measures will be effectively implemented.

Chapters seven and eight are devoted for the discussion of economic effects of reform measures. Here it can be seen that the immediate effect of the tenancy reform was the improvement of the status of the tenants. In Travancore the early measures undertaken by the enlightened Raja to do away with the temurial uncertainties had a salutary effect in the expansion of cultivation. The security offered in the State attracted foreign capital and gave an inroad to a growing scope of commercial investment. Further, the tenancy legislations with its emphasis on tenant security and regulation of rent coupled with the increase in trade in agricultural prices in the latter half of the 19th century increased the value of the land steadily. The tenancy reforms strengthened the position of the tenants and stopped the eviction of tenants for the creation of new ones with enhanced rates of rent, the forcing of old tenants themselves to pay higher rents on pain of being evicted. On the social side, the reform has narrowed the traditional class distinctions in the village.

One of the biggest problems that has to be faced by the Kerala farmer is the debt. This debt often places him at the mercy of the money lender who, in extreme situation, can force him to pay over everything in excess of subsistence leaving him no incentive to increase productivity. The huge number of producing units, the limited capital resources of the average farmer and the personal nature of the enterprise cause many of the difficulties inherent in the provision of agricultural credit to farmers. The financing of

land purchase and other forms of long-term mortgage business are highly specialised forms of banking, but even medium-term loans of three to five years' duration, which constitute the type of loan usually required by the small farmer for the purpose of cattle and machinery or for the execution of minor improvements are outside the usual scope of commercial banks. The reform measures though induced the commercial banks to give credit to farmers, failed to improve the situation to satisfactory level. Consequently, the rate of growth of agricultural output all these periods was much smaller than the rate of population growth which shows the stagnant nature of the economy.

It is a fact that if we look only at the material gain which the Kerala farmers have made through the land reforms, the benefits may not appear very impressive. But the effect of tenancy reforms, limited as it is, lies in the fact that, "it has certainly led to a considerable curbing of feudal and semi-feudal exploitation of the peasantry".

Although much has been written on the land question, we are not aware of any single work which discusses the economic effects of land reforms in Kerala. It is hoped that this work will fill up the gap in a small way and will provide a basis for future research on the problem.

K.C.Sankaranarayanan.